

Minutes of a Town Board Meeting held by the Town Board of the Town of Riverhead at The Wading River Congregational Church, 2057 North Country Road, Wading River, New York, on Tuesday, July 15, 2003, at 7:00 p.m.

PRESENT:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Rose Sanders,	Councilwoman

ALSO PRESENT:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

NOT PRESENT:

Barbara Blass,	Councilwoman
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Supervisor Kozakiewicz called the meeting to order at 7:05 p.m.

Supervisor Kozakiewicz: "We're going to get started, folks. If we can have everyone come to order. If you would please stand; and, Sid, since you're right in the front row, would you lead us in the Pledge of Allegiance?"

Sid Bail: "Okay."

The Pledge of Allegiance was recited, led by Sid Bail.

Supervisor Kozakiewicz: "For those of us -- for those of you paying close attention, we are down one Town Board member today. She is with her daughter. And from what I understand, the Little League team that her daughter is playing on has done exceptionally well -- I think better than any other Riverhead Little League team ever -- and is playing for the Long Island Championship, as I understand it, today in Lindenhurst; and if they win, they'll be going upstate, so wish them the best. And so she is there with her daughter.

At this point in time, is there a motion to approve the minutes of the Town Board meeting of July 1, 2003?"

Councilwoman Sanders: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded. Vote, please."

Barbara Grattan: "Was that by Lull?"

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "Okay."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "Four yes and one absent."

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Receiver of Taxes	Utility Collections Report for June Total collection was \$173,025.70
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Building Department	Monthly report for June Total collected was \$72,820.38
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Juvenile Aid Bureau	Monthly report for June
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Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you, Barbara.

Applications."

APPLICATIONS:

Shows & Exhibition Permits	United Comprehensive Care - August 16th from 9 to 5 p.m., Health Fair
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Word of Life Ministries -  
July 26, 2003, Street Fair,  
Municipal Lot River Front

North Fork Classic Horse  
Show - various dates in  
August

Site Plan	Amended - Cellular Telephone Company, Fresh Pond Avenue
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Change of Zone	Traditional Links Golf Development, Residence A to Recreational
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Barbara Grattan: "That concludes Applications."

Supervisor Kozakiewicz: "Thank you, Barbara.

Correspondence."

CORRESPONDENCE:

Thomas Verbeeck	Commending the Water Department
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Richard Israel	Regarding the Master Plan
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Petition	11 signatures regarding the retaining walls located in front of properties on Claus Avenue
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Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Thank you. Any Committee  
Reports?"

Councilman Lull: "Yes, Mr. Supervisor. The Traffic  
Committee has two resolutions on tonight. I only mention  
it because one of the resolutions is not in the packet. The  
one that is in the packet has to do with parking in downtown

Riverhead, but the one that is not in the packet was only finally pulled together by the cooperation of the police department and the Highway Superintendent, myself, and the Town Attorney's office. It has to do with parking regulations for Oak Avenue and -- Oak Street -- sorry -- and Central Avenue.

I mention that now because the Zoning is calling a public hearing and the public hearing is scheduled for August, but if there's anybody who might not want to attend the public hearing in Riverhead at our regular Town Board meeting, they would have a chance to talk about that particular issue when we talk about resolutions tonight. So I just want to mention that that is on the list of resolutions for tonight."

Supervisor Kozakiewicz: "Yeah. I'm glad you mentioned that. I just wanted to also, while it's on my mind, we are also going to be addressing a resolution which was tabled at the last meeting, which was the approval of a sign permit for Saladino & Hartill.

So we're going to have two resolutions that are not appearing in the packet that we will be addressing tonight; the one that Councilman Lull just talked about, which is the parking by permit; and then the tabled Resolution 776, which

was a sign permit for Saladino & Hartill."

Councilman Lull: "And also, Mr. Supervisor, we would like to announce that we expanded the summer and fall hours for the Yardways Program. That's now open from 8 a.m. to 6 p.m. every night, including Saturday and Sunday; and that will take place until November 16th, which will go back to winter hours.

And also to announce that this week is the Blues Festival, Friday, Saturday and Sunday. It's a great blues show down at the River Front. The admission is free, so we hope everybody will come down."

Supervisor Kozakiewicz: "Also, I want to point out with respect to the Yardways Program, shortly, it's going to be moving to a new location. The location will be up at the Youngs Avenue facility. It will be incorporated into the process that's going on there with the recreation project itself. It's something that we incorporated into the design and the workings of that project, and we're expecting that to happen in the next two -- maybe three weeks.

So that would be something I just wanted to apprise you, so that all of you who do use the Yardways Program, which is presently at the Highway facility on Osborne, it will be moving to that Youngs Avenue. We'll keep you

informed when that actual change takes place.

Any other Committee Reports? If not, the time being now -- looks like 7:12 p.m., Barbara, would you read the affidavit of publishing and posting for tonight's first public hearing?"

Public Hearing Opened: 7:12 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Wading River Congregational Church, Wading River, New York, on July 15, 2003 at 7:05 p.m., regarding the consideration of the Town of Riverhead's fee simple purchase of property located on the northerly and southerly side of Riverside Drive, Riverhead, for preservation of open space for public purposes."

Supervisor Kozakiewicz: "Okay. As indicated, this public hearing is to consider hearing from those who would like to address us regarding these acquisitions of 55.102 acres of land, which is located on the north and south side of Riverside Drive. The property is located -- there's about 19 or so acres that's on the south side that's located adjacent to the Peconic River; about 30-something odd acres,

whatever the balance is, that's on the north side of  
Riverside Drive.

Both sides are wooded. They have some freshwater-fed  
ponds. In addition to the foregoing, the property is located  
within the Peconic Estuary Planned Watershed Area, which is a  
national recognized estuary.

That being said, we are here to hear your comments  
with respect to this proposed acquisition. Is there anybody  
who would like to address the Board? Art Binder. Oh, I'm  
sorry. Hoot, did you want -- well, we'll start off with Hoot  
to do his. I'm sorry."

Hoot Sherman: "Just to set the stage."

Supervisor Kozakiewicz: "I'm sorry, Hoot."

Hoot Sherman: "That's okay."

Supervisor Kozakiewicz: "For the record, Hoot  
Sherman, Peconic Land Trust. I jumped the gun there. And,  
Randy, do you wish to address us too?"

Randy Parsons: "Yes."

Supervisor Kozakiewicz: "Okay then. We'll have you  
second."

Hoot Sherman: "Good evening. Hoot Sherman of  
the Peconic Land Trust.

I set a map up over there of the proposed acquisition.



The brown area is the area that we're talking about. It's the 55 plus or minus acres of the River Club property. It is currently really -- the roads that it shows on that map are proposed. It's all woodland right now. It's just -- those are paper roads. The large green area to the east of it is the golf course; and the small green areas, there's a couple of pieces of northern land that is zoned by the County, and the southern piece is owned by the Town. As I understand it, back in the 30's and 40's, there used to be a landfill back in there. But that's the piece we're talking about.

And what we're talking about is a sale of development rights -- I mean, a sale of in fee of 55 acres of woodlands and wetlands. The purchase price is \$6,500,000. That is supported by an appraisal done by R.J. Mattusa & Associates on December 26, 2002. As I say, that price is supported by the appraisal.

The property description, they're all Suffolk County Tax Map Numbers 600, and there's 159 different parcels we're talking about. There's 600-130-1, 9 through 11; 600-130-1, 18 through 51; 600-130-3, 1 through 47; 600-130-4, 1 through 5 and number 7; 600-131-1, 15 through 33; 600-131-2, 1 through 30; 600-131-2, 35 through 40; 600-131-3, 7 through

19; and 600-131-3, 28 through 32.

As we said before, it is located on both sides of Riverside Drive. It's zoned Residential C. There is an application pending for 222 condo units. And on the Tax Map, as you see there, it is now shown as 159 separate lots. This has been before the Farmland Open Space Committee, and they recommend its approval."

Supervisor Kozakiewicz: "Thank you, Mr. Sherman. Randy, I understand you want to come up."

Randy Parsons: "I have an aerial. I want to -- should I put this by the board or do you want me to tack it up here?"

Supervisor Kozakiewicz: "If you can somehow put that up on the board."

Randy Parsons: "Supervisor Kozakiewicz, Members of the Board, thank you for the opportunity to address you tonight on the proposed acquisition of the River Club."

Barbara Grattan: "Randy, please state your name for the record."

Randy Parsons: "Randy Parsons. I'm here on behalf -- "

Supervisor Kozakiewicz: "I thought he was going to do that. I was giving him a moment to finish."

Randy Parson: "Oh."

(Laughter)

Randy Parsons: " -- of The Nature Conservancy.

I am appearing before you tonight on behalf of The Nature Conservancy to support the protection of the entire -- I have plus or minus 50-acre River Club site on the Peconic River in its natural state.

As you are all well aware, after a ten-year planning effort, the Peconic Estuary Comprehensive Conservation & Management Plan was approved by the United States Environmental Protection Agency on November 15, 2001. The CCMP lays out an approach for federal, State, County, and private agencies and entities, and the nine Towns and Villages within the Peconic Estuary boundaries to improve and maintain the estuary and its watershed. The Plan is organized by priority management topics, including Brown Tide, nutrients, habitat and living resources, pathogens, toxic pollutants and critical lands protection.

The Town of Riverhead has a critical role to play in order for the effort to improve and maintain this ecosystem, which is a mainstay of the East End economy. Riverhead is uniquely situated at the head of the Peconic River. The Town has the largest assemblage of undeveloped tidal and

freshwater wetlands of any Town or Village in the estuary.

However, the western portion of the estuary system, where the Peconic River empties into Flanders Bay, is also the most stressed part of the system. It is a part of the estuary which is flushed by the river and the tides most slowly. It is estimated that it takes 55 days for the waters at the mouth of the Peconic River to be completely flushed by the flow of the river and the tides.

Thirty-two (32) surface water monitoring stations sampled by the Suffolk County Health Department show that nitrogen levels in Flanders Bay and the mouth of the Peconic River are elevated, and that dissolved oxygen, which is essential to marine life, is depleted. Most of the waters in the Town of Riverhead are closed to shellfishing.

As part of the Peconic Estuary Program and in order to implement the CCMP, a critical lands protection strategy has been developed, which identifies and ranks properties where the opportunity to improve and maintain the estuary system exists. This parcel prioritization process is known as the Critical Lands Protection Strategy.

There is no property in the Peconic Estuary which has a higher priority for protection than the River Club property. Broad Cove and the Hubbard Duck Farm properties

are equally important in Riverhead, however. The River Club site is also designated as a Critical Environmental Area under the State Environmental Quality Review Act. Its natural resource attributes include the following:

Plus or minus 1500 feet of undisturbed, scenic intertidal and high marsh frontage on the Peconic River, which is expected to be inundated during the 100-year coastal storm up to nine (9) feet above mean sea level and up to 300 feet inland from the shoreline.

An extensive freshwater wetlands system on its uplands, including kettlehole ponds, which contribute fresh water to the estuary system, and habitat for rare flora and fauna.

Plus or minus 50 acres of mature hardwood forest, which provides habitat for wildlife and helps maintain the quality of groundwater and stormwater entering the estuary system.

A State endangered plant species has been identified on site, and I'll read a letter from one of our conservation biologists specifying which plant that is.

The site also has rolling topography, which generally slopes from the north down to the banks of the Peconic River. It has sandy soils with rapid permeability and a high groundwater table.

Conversely, as the public record on the River Club application shows, development of the property as proposed -- which, as we've mentioned, is proposed for 222 condominium units and, I believe, in excess of 70 boat slips, tennis courts, a swimming pool, and possibly other buildings -- it

would not only adversely impact the natural resource values of the site, but would introduce the following into the system:

In excess of 66,600 gallons per day of waste water

Clearing of 15 to 25 acres of coastal forest

In excess of 500 to 1,000 vehicle trips per day with associated street, drainage and utility construction and maintenance

Storage of heating fuels

Landscaping, lawns and associated fertilization and irrigation

Clearly, the River Club property warrants preservation. It is an excellent candidate for the Town Open Space Program.

If The Nature Conservancy can be of any assistance to the Town as it works to structure a negotiated purchase of this property, please do not hesitate to call upon us. Thank you."

Supervisor Kozakiewicz: "Thank you, Randy."

(Applause)

Randy Parsons: "I did want to read our conservation biologist's letter -- it's only one page -- into the record as well.

'Dear Supervisor Kozakiewicz and Members of the

Town Board: I am employed by The Nature Conservancy as a Conservation Biologist for Long Island. I have a doctoral degree from the University of Michigan in Plant Ecology. I am writing to support the protection of the 55-acre area of undeveloped forest and fresh and tidal wetlands on the proposed River Club property.

'As noted previously by the North Fork Environmental Council and the North Fork Chapter of the National Audubon Society, this site is one of the last remaining natural areas on the Riverhead side of the Peconic River estuary system. Although difficult to quantify, its relatively undisturbed soils and vegetation provide invaluable filtering of rain water helping to protect the water quality of the Peconic Estuary system.

'Its designation by the National Audubon Society as an Important Bird Area for its significance in providing critical habitat for a host of resident and neotropical migratory bird species attests to its value to wildlife. It is one of only 39 such sites in the New York Metropolitan area.

'In addition to supporting a healthy, diverse flora, the site contains a New York State endangered plant, listed by the New York State Natural Heritage Program "Swamp

Smartweed".'

I told our biologist that that was going to be his new -- or his new nickname was going to be Smartweed. Anyway, aside from that, I attached a copy of a scientific illustration of this endangered plant for your information.

'Protection of this 55-acre parcel in its natural state will be a significant step in the effort to protect the Peconic Estuary.'

I will attach his letter to my comments. Thank you all."

Supervisor Kozakiewicz: "Thank you."

Randy Parsons: "Thank you."

Supervisor Kozakiewicz: "Art Binder and then Rolf. I saw your hand up."

Art Binder: "Good evening, ladies and gentlemen. My name is Art Binder and I'm from Baiting Hollow.

I concur completely with what Randy just said. This is indeed a special piece of property. So special that when you sit and you analyze it for a little while, it survived development from through the 60's, the 70's, the 80's and the 90's, and here it is in 2003 and it's still in pristine condition. That makes me think, well, why is this piece, 55



acres, in pristine condition? It could have been developed

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years ago for a fraction. I am sure the people that own it have owned it for a long time.

Well, on one side, I believe we have the Long Island railroad tracks. On the other side of this property, we have a sewage treatment plant. And I do believe that the property itself falls outside the sewage treatment zone, which I've learned that if you're going to propose to do a condominium or a complex such as this, you're either in the zone or you have to build your own sewage treatment facility. I would imagine a treatment facility like that to construct is a very costly project.

My problem with this deal is not an environmental issue. My problem is a fiscal issue. We've got 55 acres at \$118,000 an acre. Six and a half million dollars of taxpayer's money. Whether it be CPF funds or bonded funds, it's still taxpayer's money. That to me is a very important criteria, and I think something that needs to be studied and addressed.

The County, as I've read, was a potential partner on this piece of property. Their appraisers, also from what I've read, put the price at closer to three million than six and a half million. And also based on what I've read, the

County was going to partner with the Town and pay half of

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the cost. Now, assuming the property could be purchased for three million from the owner, that would mean a million and a half dollars out of the Riverhead taxpayer's pocketbook and a million and a half dollars out of the County's pocketbook.

Why -- I have a question for the Board, for the Supervisor. Why are we being put into a position -- by we, meaning the taxpayers and the residents of Riverhead Town -- to pay six and a half million dollars, which is 75 percent more than a million and a half dollars, which would cost us to purchase and preserve this property in perpetuity. That's my question: Why?"

Supervisor Kozakiewicz: "First and foremost, the County has never been taken out of the equation. If they wish to partner, they can, and in fact they have done that on other deals, most notably the Duke deal from East Hampton, where East Hampton's appraisal and the County's appraisal were greatly at odds. So if the County wishes to come on board, they're more than welcome, and they -- if they can make the deal move forward in a prompt manner -- which is part of the problem here. The County has not moved quickly enough on a lot of deals, and the Town has, and I think the Town has done a great job, especially through our deputy town

attorney, who has been moving these transactions through.

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The appraisal also is a supported appraisal. So, of course, anything that happens has to be done with a willing buyer and a willing seller. So that also is important and something that you're not taking into consideration."

Art Binder: "I am not going to get into the area of willing buyers and willing sellers because, unfortunately, we're not dealing with the owner. From what I understand, we're dealing with a contract-vendee, which is basically a broker who entered into a contract at one time to purchase this property at a pre-defined price and to flip it at an unknown price somewhere down the road in the future, which happens to be right around this time. That bothers me as well, but that's not for me to adjudicate.

From what I understand, there's been a subpoena for the Town Board to appear before the Suffolk County DA, and that's his responsibility. I'm concerned with the six and a half million dollars, which is 65 percent of the Open Space Bonded Budget; and I would hope that the County and the Town can get together and put this deal to bed under three million dollars and save the taxpayers of Riverhead 75 percent.

Thank you."

Supervisor Kozakiewicz: "Thank you. Rolf Kestling."

(Applause)

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Supervisor Kozakiewicz: "Rolf Kestling."

Rolf Kestling: "Rolf Kestling, Wading River. I wrote a notation of everything what I wanted to say, and on the bottom, I wrote, 'Binder said it all.' I agree 100 percent with Mr. Binder."

Audience Member: "Don't forget Randy. Randy too."

Rolf Kestling: "Well, whoever. I've heard a lot of discussion on WRIV 1390. Mr. Tucchio was on there, and he explained -- he explained it all. I mean, it's next to a sewer plant. Houses today, they seem to put up a house, 300,000, \$400,000. You're going to put a house like that next to a sewer plant? Sewer plants, they're going to be there forever. Make it short, I go to that old phrase I've used many times, 'Something stinks in Denmark and it ain't fish.' Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "All right. Sean Walter, I understand you wanted to -- "

Sean Walter: "I'm going to address any comments afterwards, Bob."

Supervisor Kozakiewicz: "All right. Thank you. I

saw a hand in the back. Was that Sandra Mott? Yes."

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Sandra Mott: "Good evening. Sandra Mott. I agree with both gentlemen. The price is way too high for the location. You know my feelings about preserving habitat and so on. That's very clear.

The price is too high for the property. I'd like to know how -- a few things. The gentleman mentioned during his report that there's a high groundwater table. That could be a real problem. You're right next to a river. I would like to know how they're going to get insurance for that -- because Glenwood Village residents were dropped because they were within a mile of the river -- from their insurance company. 180 people a few years ago were dumped from the insurance because we were within a mile of the Peconic River. The fact that that river doesn't go up or down very much was not the point. We were within a mile.

Is this a federally-insured project in regard to FEMA's flood insurance programs? And, if so, then the developers are going to get a greater cut of the taxpayer's dollars, knowing very well the potential that if you can get a really high hurricane, a really, really heavy hurricane... Several years ago, again, I was watching one of the PBS programs about the Town of Riverhead, and they did an

emergency survey as to how high the flood waters could get.

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They can get very high, including up to the back door of Swezey's. My general concern is the money. How are they going to get this kind of insurance? On the backs of the taxpayers who can't get these federally-insured programs?

What kind of appraisals were done prior to? Art made a very good point. That property has been sitting there for how long? And nobody touched it, and suddenly, suddenly, it's this magical, high, high number. I too must have read the same articles as both Art and Rolf.

There's a great concern here. Money. There's a great concern here as to what's going on here. And there's probably a greater concern as to other projects going on here. I'm sitting in the back room listening to habitat preservation, and when I was saying the same thing about the, quote/unquote, Glenwood extension, it went over everybody's head and was a moot point. Habitat is habitat with wetlands on that property as well. I'd like to know why the same consideration was not made for the, quote/unquote, Glenwood extension. That too has woodlands. That too has habitat. Because I don't consider it a moot point yet. Nothing has been moved, no dirt has been moved, as I've read in our local brochures at the town, at our little village.

Let's see... What's the status of the County's

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involvement? Now, you said that they go too slowly. Well, they must be going slowly for a reason -- because it's not a good deal. That kind of money that they're asking is outrageous, and that's what a lot of people do. I think Art said they flip it? Of course, they flip it, but it goes back to money.

I want to know why I read in the paper that Sean indicated that the property hadn't been sold until the Suffolk DA -- it was a moot point, in so many words -- I'll paraphrase, 'You came to a meeting of the minds.' The owner came, the seller -- rather, the seller and the buyer. Some consideration has to be made as to how close we were to this deal. It was very unnerving to read on page 8 -- Riverhead usually shows up in the back pages of Newsday. We were on page 8 of Newsday. Did you realize that? Even those fiasco concerts didn't make the front pages."

(Laughter)

Sandra Mott: "So even Newsday recognizes that there's a problem here.

There's a problem here and it's money. Enough money needs to be protected for other habitats, for other

environments. It's not a question that this property shouldn't be preserved. It needs to be renegotiated;

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and if it takes a little bit longer with the County to be involved, let the County be involved.

That's why they're taxing us and doing the transfer tax on people's properties. There's a lot of money, but if it's going to be money, it should be everybody's money. It's a resource that's going to be protected for everyone's use of the Peconic. Not only the people in Riverhead, you have a lot of people coming here visiting now. In Southampton, let them kick in some of the money. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Hand in the back. Rex Farr."

Rex Farr: "Rex Farr, President of the Greater Calverton Civic Association, Baiting Hollow.

I concur with the gentleman from the Nature Conservancy. I concur with Mr. Binder. I would strongly urge the Town Board, before any decision is made on this property, that any questions that have been raised, not only tonight, but I guess over the last week, by the County, that those questions are answered before any vote is taken on



whether or not we should be spending this money.

I also highly recommend that we bring back or bring

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to the table the County. Again, ladies and gentlemen, you are spending our money. 6.5 million dollars is a lot of money. We concur that it should be preserved, but I think there probably are better ways of making this deal."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Terry Hulse."

Terry Hulse: "Terry Hulse, Riverhead, 64 River Avenue. A lot has been said, and I'm not going to speak about the politics that are involved, because the -- the politics, you know, they're going to get argued in the paper; and all's I know from the facts that I'm familiar with that appeared in the paper were incorrect, that I personally knew about. So, you know, all that has to be taken with a grain of salt. As my grandmother used to say, 'Sooner or later, it will all come out in the wash.'

And I don't want the politics to interfere with the preservation of an important piece of property. It's already been discussed very thoroughly, you know, the traffic impact with 222 condominiums put on that site. There's

the proximity of the wetlands to the surface. It's very critical. You know, that's one of the last few areas in

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Riverhead where there's any significant amount of forest cover; and there's a lot of areas in Riverhead where if you're a tree, you're in trouble. So it's a few sanctuaries for the trees as well as the wildlife.

And, of course, the impact on the Peconic Estuary. Those of us who live down there have seen the water come up 300 feet into that property, and we've also seen 12 hours later, all the water leave and that part of the river become dry. So it's not suitable for a marina or for any heavy development in there.

And, you know, I agree with the Nature Conservancy. They covered all the details that I wanted to cover, relative to the environment, that it needs to get preserved; and I would hope that the Town Board doesn't let politics interfere with their better judgment. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Larry Oxman."

Larry Oxman: "Good evening. Larry Oxman, LandValue Real Estate, Main Street, Riverhead.

There's no doubt that this is certainly a key piece

for acquisition. It seems to be very environmentally sensitive, probably is not that easy of a piece to develop.

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But my question really comes more so that you know my perspective. I am a real estate broker. I represent other property owners within the town that have property that's zoned Residential C. Right now, the Master Plan talks about upzoning those properties to at least one acre, if not two acre, zoning. So I guess I have questions about the appraisal and the recommendations on this piece, and I'm only just -- I'm only mentioning this because I think that the property value has to be preserved across the board throughout the entire town, whether it's agri or a residential property.

So I'm concerned that other Residential C property owners may be losing their value. This piece, although I have not seen the appraisal -- I don't know whether it's available and it really doesn't matter -- but I guess it's being based on its current use or what could be done on there. So please weigh that out when it comes time to talk about the Master Plan and other owners of Residential C property and their equity."

Supervisor Kozakiewicz: "Thank you, Larry. Also, just with regard to the appraisal, the appraisal has been on

file with the Town Clerk's office and is available for the public to review, look at, peruse, and question."

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Larry Oxman: "Great. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Yes. Hal Lindstrom."

Hal Lindstrom: "Hal Lindstrom, Riverhead. As an avid conservationist, I would love to see this piece of land preserved, and I am all for preservation. I mean, I myself and many other people have rallied for the KeySpan property, which is a very environmentally sensitive area. We did some surveys on that property. This is -- this falls in the same category. It is riverfront property, and it does have a lot of environmentally different species of animals, birds, and stuff like that.

But I feel that it really should be renegotiated. I don't feel the taxpayers of Riverhead should pay one more cent than the property is really worth. I think it should be reevaluated and renegotiated. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? If not, I'm going to ask Sean Walter -- oh, yes. Eve Kaplan."

Eve Kaplan: "Eve Kaplan, Riverhead. As an ecologist, I just wanted to add my two cents about the

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value of this property as a natural area for Riverhead. I had the opportunity, I guess, about a year, a year and a half ago, to really inspect the site with Louise Harrison, who did some work with the Riverside Drive Coalition, which is a group of residents that Terry Hulse and some other people who are here today formed in response to the 222-unit proposal for the River Club property on, you know, slightly more than 50 acres. So you can imagine people today have talked about the impact of that. So in response to that, they formed a strong coalition with hundreds of local residents to try and bring this property to the attention of the town and try and get it preserved; and that brings us to where we are today, notwithstanding questions about the price.

So Louise, who used to work for the Suffolk County Department of Ecology for a long time and has tremendous experience with SEQRA, and she did a thorough review; and the property has -- it's very unique. It's got a tremendous combination of different types of habitats, of geological formations. It's got marshland. It's got kettle ponds. It's got some very big trees for Riverhead, which is very

unusual. As everybody I'm sure knows, we don't have a lot of areas with older trees because so much of the town

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was cleared and it remains cleared for farmland. So we have a lot of regrowth, second growth, but we don't have a lot of, you know, the kind of 70- or 80-foot oaks that we see on the River Club property, a lot of the bird life that comes with that. I think Randy mentioned it's been designated as an Important Bird Area by New York Audubon, and so it's really got tremendous ecological value, as well as being close to downtown.

So if it is preserved, it could be, you know, looking out 10, 20, 30 years into the future, a real asset for the residents, you know, of downtown and the rest of the town where we might have some recreational -- passive recreation, like some nature trails or, you know, a place where you don't have to -- people who live downtown don't have to drive to. It's open space that would be accessible to people of all different incomes, and -- as well as, of course, something you can see from the Route 105 bridge, which I'm sure everybody has noticed. So, again, I just hope that the issues that need to be resolved around this purchase can be resolved, and that the property is not lost in the process.

Because this is -- the reason why we're here today to

talk about it is because this is one of the most important properties to be preserved in Riverhead from an ecological

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perspective, as well as from a community perspective, whether you live, you know, on Riverside Drive or anywhere else in the town. I think we'll all have an opportunity to enjoy this site, if and when it is preserved, so I hope that it will be. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Okay. Did I see a hand in the back on this side? John."

John Rather: "John Rather, Riverside Drive. I wanted to express support for what Terry Hulse said and also Eve Kaplan. I think I agree with them pretty much completely.

And I'm sure that you're all hardworking and honest people, and I don't think you would pay more for this property than you had to. I'm sure you've had a hard negotiation and that this is the best that you could do. Of course, if you can do better, that would be -- that would be terrific, and I hope you're able to. If, in reopening it, you jeopardize the opportunity, perhaps then that would not be a good idea.

But I do think you've probably gotten the best deal that you could. You're a willing buyer and they're a

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somewhat willing seller. I'm sure they're very capable people, and they're going to get every penny that they can get. And the zoning that the Town did in the distant past, of course, increased the value of that property by creating so many lots on it; and their own proposal and their -- I'm sure their absolute effort to advance that proposal makes it a serious matter. We don't think they're bluffing. They probably want to build as many condominiums as they could there.

I just want to close with this brief little anecdote. When I was a kid, I lived in Nassau County, and there was an area, a little wooded area in a suburban community. And when we were kids, we all went down there and played in the woods. They were really great. You sort of got your sense of wildness, something -- something to do with nature in a place like that, and it enlarged as you grew older. And they called those woods, Swindle Woods, and they were called that because it was the same situation. Somebody owned them, they proposed development. And the community that I lived in, in their very great wisdom and with some courage, bought that property at what then seemed a very high price; and I'm sure



you can guess the rest of it. Today, that price would be very low indeed. And I call on you all to have the wisdom

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to go forward with this in a prudent fashion and the courage not to back out at this point but to consummate what you've begun. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Marsha Kalaski: "Hi. My name is Marsha Kalaski and I live on Riverside Drive. Forgetting all the things about who agrees with who or whom or whatever, there's one other thing that I'd like to bring to mind. It's that people, the public, are losing their rights to something as simple as the river. As more and more people who can afford it can live on the river, they're blocking it off. And, I mean, it's nice to have access behind Swezey's. Oh, that's -- that's really cool. You know, that's really nice. You know, looking over at McDonald's, that's sort of natural too, you know."

(Laughter)

Marsha Kalaski: "But I've noticed more and more -- I lived for a while in Laurel, and there was this wonderful little dip that everybody was able to use and to go sledding and tobogganing; and then a very nice group of people bought

it, a landscaper or a plant nursery, which, of course, you'd agree, is the perfect thing for it. But then they closed it off. They put some nice bushes there. And something that

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the local people for years would come with their kids and have hot chocolate, the parents would stand up there and be able to watch their kids in a safe environment where the kids weren't crossing a road to go down a hill.

And all I'm thinking about is that your -- you have the opportunity to keep something, keep something for the public, and put in some kind of nature trails or something, so people can go through it, down to the water. But, if not, there's going to be gates; there's going to be hedges that are going to be really high; and you're going to miss out. We're going to all miss out. I mean, my children won't, because I don't have any. So what do I care? But your children will, your grandchildren, who live in this area. That was just one more thing to add."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Richard O'Dea."

Richard O'Dea: "Good evening. Richard O'Dea of the Farmland Select Committee of the Town of Riverhead, the body

that forwarded this to the Town Board, and with the unanimous consent of the Farm Preservation Committee.

I'd like to address some of the comments of the public

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as is involving the County. The County -- and I'm sure the Committee and I'm sure that this Town's executives would be very pleased if the County would step up and take half of this burden of figure on, but I don't think it's going to happen.

And the reason I don't think it's going to happen is the County's history. 2001, in all their programs, the County spent 51.4 million dollars. 7.4 of that was spent in Riverhead. 3.5 was spent in open space on one parcel, which is not far from here, the Campo brothers. 57,000 an acre. A contract that was done lickety split, nice and quick, and prior to any subdivision approval whatsoever. The remainder was some farmland and drinking water aspects. That added up to the 7.4.

2001, I guess, Newsday was in vogue and everybody was running for the hills. The County spent exactly zero in this town in farmland. You read their minutes of the -- for the public's benefit, let me explain the process."

Supervisor Kozakiewicz: "2001, 2002, or 2003?"

Richard O'Dea: "2002. I'm sorry."

Supervisor Kozakiewicz: "Okay."

Richard O'Dea: "2002 on up to today, without -- take away one parcel that was a litigation case -- they have yet

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to spend anything in this town in farmland.

But the process, as it works for the public's benefit, is that there's a committee, an environmental committee, that sits in front of the legislature that screens all of these processes. This committee, if you want to read their minutes over the past few years like I have, there is a definite bias for the Town of Riverhead without a doubt, bar one person, who is the legislator that represents us. Other than that, it's tough to get anything through.

So my bottom line and my reasoning here, and our reasoning on the committee, yes, we waited two meetings to see if there was going to be any input on the 6.5 proposal. Nothing was coming forward. Peconic Land Trust, who handles both the County and the Town's aspect of doing business like this, had nothing coming forward. It was listed as a Town project, it was moved forward, and I think justifiably so.

The situation, it just boils down to -- again, back to the County. The public on a 4600 to 1700 referendum mandated this County to spend money on open space on farmland preservation. They're out of business. They're actually

a disgrace, this committee, in how they're handling the situation. You want us to sit and wait for the County? We've -- we've waited, we've been to meetings, we've done

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mailings, we've done the works. Many people in this room know that, and nothing has happened. So to sit around and wait for them, good luck."

(Applause)

Supervisor Kozakiewicz: "Thank you. Sean. Is there anybody else who would like to address the Board? Yes."

Susan Fronhoffer: "My name is Susan Fronhoffer. I live down by Riverside Drive. And I'd like to make one comment of everything I've heard today, and everyone has said, 'Preserve this land.' The only differences of opinion is whether it's being spent too much or not.

I have also heard that Suffolk County isn't helping that much, and I agree with Terry Hulse and a few other people that have spoken, to say that I hope the Town Board is not bullied by politics or even the public, because everyone would always love to get their money's worth and always -- everyone always like to get the best buy. And there are always some people that will always think you're paying too much for something; but in years to come, like

the one gentleman said, the price you're paying now is going to seem rather cheap compared to what price we'll pay if that landfill or that condominium comes in, and then we have to clean up the Peconic and we have to deal with the extra

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traffic, and it's going to cost the Town a whole lot more than the price you are looking to pay for it. And I would say that there isn't one person here, as many as we have differences of opinion, but one opinion I heard collectively from everyone is save that piece of land, and I hope you do so. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Yes, sir."

Gil Cardello: "Good evening. My name is Gil Cardello. I am a Riverside Drive, Riverhead, resident. I understand that there's a lot of different politics going back and forth. I agree with the young lady last who wants to preserve the land. I think that's a good thing.

I am a little curious about the change in the meeting location. I ran past the sign this morning with another Riverside Drive resident, and the meeting was supposed to be at Town Hall. So now all of a sudden, I understand the

meeting is here. So I'm thinking that maybe we would have had more people here if everyone knew where the meeting was."

Barbara Grattan: "The sign said Wading River."

Gil Cardello: "Pardon me?"

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Barbara Grattan: "We said the sign said Wading River."

Dawn Thomas: "I think it said -- I think it said Wading River."

Gil Cardello: "Rick, what did the sign say this morning when we went past there?"

(Laughter)

Gil Cardello: "It says -- it says at Town Hall."

Dawn Thomas: "Really?"

Gil Cardello: "Yeah."

Barbara Grattan: "Oh, okay."

Gil Cardello: "Where you had your photo opportunity last week, the sign says Town Hall."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "They had Town Hall?"

Gil Cardello: "Yeah, that's what it says. Both sides of the street. The signs are still there, to my knowledge. Were they there when you left?"

Audience Member: "Yeah, they were there still."

Gil Cardello: "Okay. So I'm just a little curious.  
It seems -- "  
Supervisor Kozakiewicz: "The applicant put them up."  
Councilman Lull: "Yeah, we didn't put them up."

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Gil Cardello: "Okay. I don't know who put -- I didn't put them up either. They're there. People are stopping all week. You know, I live there. You know, like I said, something appears a little weird when the meeting is changed at the last minute."

Supervisor Kozakiewicz: "Well, the meeting -- well, the meeting was not changed at the last minute. When we set up for our -- passed the resolution at the beginning of the year, organizational minutes for the year, this meeting was set at that particular time in January 2003 for this location.

Furthermore, the public notice, as I recall, noticed it for here. It noticed it for the Wading River Congregational Church. The sign, obviously, if it says the wrong location, then that was a problem and that should not have occurred.

But I will just set the record straight, there is no question, the meeting was set in the beginning of the year for this location; and, in fact, the notice that was issued



with respect to tonight's public hearing was also for this location. So -- but maybe that's why there's a few more residents from the area who aren't here perhaps."

Gil Cardello: "Yeah. And the only other thing I

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wanted to add is, I have been around, I guess, about 12 years, and I agree with Terry Hulse. If you saw his house when we had the flood of '93, he had a water view on every window."

(Laughter)

Gil Cardello: "And just one last point. I know Mark Twain, I think, said it best, 'You better buy land, be it making any more of it.' Thank you."

(Applause)

Supervisor Kozakiewicz: "Thank you. Is there anyone who else who would like to address -- yes, hand in the back."

Leigh Askin: "Yes. Hi. I am Leigh Askin and I live on Riverside Drive. I just want to commend you all for biting the bullet and spending the money. And a lot of people are going to chide you for spending so much money, but I'm in agreement that in the future this money will not seem as great; and the property itself is very well worthwhile, and I want to thank you very much."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Anybody else who would like to address the Board?"

(There was no response.)

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Supervisor Kozakiewicz: "Sean, do you want to come up and make a few statements regarding a few things?"

Sean Walter: "The appraisal."

Supervisor Kozakiewicz: "That was the appraisal and also where the property is situated as compared to the sewer plant. And while you're stepping up, I do want to add to comments made by Mr. O'Dea from the Farmland Select, because this is something I came across in reading the minutes.

'Chairman Bishop -- this is from 2001 -- by agreeing with him though, you are suggesting that the only reason to have a farmland preservation program is to bail out Riverhead politicians.'

Gives you an idea of what kind of mind-set is going on in the County."

Sean Walter: "Sean Walter from the Riverhead Town Attorney's office. And before I get started, I want to sort of talk to the Board about the appraisal and the County's involvement in this process and try to help you understand why the numbers are different; and, yes, that the County, we

have tried to get them involved.

But I want to share something. When I first started working in Town Hall, I would drive down Riverside Drive, and I thought to myself, my, this is just a tremendous

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stretch of property. How -- it's beautiful. It's not developed. And my mind would wonder, you know, why. I launch my boat on Corwell Avenue from time to time when I have time with my kids. I live here in Wading River, so it's -- you know, I don't get up there all that often. In fact, I joked with somebody, I thought I needed a special permit to drive down Riverside Drive because it is so beautiful. But when you launch your boat out of Corwell Avenue, which is the adjoining parcel, and you head east, it is just a magnificent view on both sides, Southampton and Riverhead side of the property.

And when I contract as a deputy town attorney for an appraisal, they don't look at that. They may look at the view a little bit, but they don't quantify that. That's for you all and for the Town Board to quantify what that's worth. Nobody is going to tell me -- I know what that view is worth to me. I assume there's tiger salamanders. I understand there's deer running around in there. I understand there's many different species of trees that are just magnificent.

That's not quantified in the report. So when I talk to you about the appraisal, it's a very nuts-and-bolts process. We don't look at those issues. That's for the community and that's for the Board to look at.

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And the other thing is when we were talking about -- one of the people mentioned a contract-vendee is nothing more than a real estate broker. That's not really true; and, in fact, it's not true at all. A contract-vendee has equitable interest in the property. In fact, the case law says they have equitable title.

What happens is when -- the Sagliocca family owns this property. They have entered into a contract, which I would assume has been recorded in the Suffolk County Clerk's office, because I've had these -- we've had transactions like this before. And when they do that, when they record it, they have equitable title to the property. So don't be concerned that we're dealing with a contract-vendee. From the Town's perspective, all we need to make sure is we get title, and we will get clear title if the Town Board decides to go forward with this.

So here we are at the meeting. We've been working with the County for six months on this property. We ordered an appraisal about this time last year from Ron Mattusa,

and Suffolk County ordered an appraisal from Fred Wood Associates.

When you do an appraisal, the first thing the appraiser does is, he looks at: What is the highest and

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best use of the property? And from that all flows -- from that one question, all assumptions flow. And depending on how you answer that completely impacts your appraisal to the point where you could have an appraisal like we have here for 3.4 million dollars that the County did and an appraisal that the Town did at 6.5 million dollars.

So it's that one question, highest and best use. Our appraiser came in and he spent six months -- it's a very difficult appraisal to do -- he spent six months on it. They're very busy. Went through the entire file for the subdivision, went to the Town Code and learned in the Town of Riverhead Residential C Zoning, you are allowed, I believe, 276 condo units on that property, as it exists. The developer has put in for 222. Now, it is a special permit. It's not listed as a permitted use, but it's a specially permitted use; and I'm not going to get into that, but if you meet all the criteria of the Town Code, the Town Board would normally grant this specially permitted use.

So our appraiser looked at that and he said it is

absolutely a legitimate thing for them to be here with this subdivision or condominium filing. They came in, the River Club, formally known as Peconic River Resort, came in in 2000, filed this application, went through the entire

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process of the EIS, and actually has a final EIS in the Town Clerk's file. And what I will say to you is I will share -- all this information is in the Town Clerk's office, and I make myself available to anybody that has any questions about this. You call me in the Town Attorney's office and we will talk, so you can understand, if anybody has a question, Town Board or residents.

So you've got this -- the appraiser looks at this and said, "This is a very real project." They've spent two and a half years on it. In fact, they brought litigation. We stopped processing applications under the moratorium. They brought litigation to force us. Thankfully, we have a wonderful -- my boss -- Town Attorney, who beat them, and so we won in court. So we stopped processing their application.

But at the end of the day, they are entitled in that zoning district under a special permit for 222 condo units. So our appraiser took that and said, "Okay, that's what I'm appraising. That is the highest and best use of this property. That is what's the most value." And he went out

and he came back with 6.5 million dollars.

He then went and looked at a 1968 subdivision that was filed on this property -- and the jury is out as to whether you could ever build that 1968 subdivision -- but

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he double-checked his number against that and said, "Hey, well, you know, I come up with 6.5 million with 222 condo units. But guess what? Even if you were able to build out this large subdivision, you'd come in the same range." So he came up with a 6.5 million dollar appraisal, and that's fine. That is a legitimate method of appraising.

The County came in, in their appraisal -- and, actually, I spoke with our appraiser numerous times. I never spoke with the County's appraiser. So -- but what he did is he came in and he said you couldn't build the 159-lot subdivision, and you could never build these condominiums. You know, a moratorium, the Town Board may rezone the property. You could never build it, and he looked at it as vacant land. That's an acceptable method. There's no reason he can't do that. His underlying assumption, his belief, was that those things that Mr. Mattusa believed could be done, he believed they couldn't be done. So he appraised it, came back with 3.4.

The fascinating part in all this is that the County --

we've always been dealing with the County on this parcel. Our appraisal was done in December. In February -- we probably received it in January. I forwarded it at the very beginning of February to the County Appraisal Review. They

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forwarded copies of their appraisal, and I said, huh, that's an interesting -- that's interesting that they used that approach. County Appraisal Review -- one thing you have to understand too is an appraisal is a snapshot in time. An appraiser cannot appraise what might be in the future in terms of zoning. They have to take the zoning as it exists. So the Town Board may rezone, they may not rezone; but they have to take it as the zoning exists.

So when the County took our appraisal and they took their appraisal, put it through the Appraisal Review process, the County met with our appraiser and met with Fred Wood, their appraiser, and they had numerous conversations, is my understanding; and the County Appraiser said that they're both valid methods, albeit different -- I would like to say apples and oranges -- but they're both valid methods for this property. And because they're six months old, that the Town appraisal should be increased to 7 million dollars; and the County's appraisal was 3.4, I believe, and should be increased to 3.6 or 3.7. I'm not sure. I don't have that



right in front of me.

But the interesting point is that the median between -- the average between the two is 5.4 million. The County legislature, in their own rules, can increase

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that by -- an affirmative vote of the legislature can increase that purchase price to just under 6 million dollars. They can go up ten (10) percent. So the County, in theory, could spend 6 million dollars on this and not do anything that is -- that just following their complete -- their new regulations that have been passed since they stopped actually buying property.

So really the difference here is maybe \$500,000, which is a lot of money to me. Believe me. But that's really the difference. Not as one person suggested 1.5 million was what the Town should pay. It's 500,000 or maybe 600,000.

We have dealt with the County. The day the developer's attorney came in and said that they would sell the property to us for 6.5 million dollars, I called the legislator, Legislator Caracciolo. We set up a meeting. Unfortunately, due to time constraints, we were not able to -- he had to cancel that meeting and we set up another meeting. The legislator is -- was or is -- well, he was planning to, and he did ultimately bring the real estate

people into this meeting and we discussed this. We said that the County had -- that the developer wanted to move quickly, but we had done all the work and we thought we could move quickly with the County.

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At this point, I think that we're still trying to get the County involved in this, and it's really -- I was on the phone with the Real Estate Division yesterday on this particular issue, and it really is up to the legislature as to whether they want to move forward. So -- and it's up to Mr. Caracciolo, who is our legislator here, for him to move forward. He would be the one that would sponsor this legislation in the Suffolk County legislature to move forward to purchase this.

So we are working with the County. They have never been left out in the dark, regardless of what people seem to think in the -- or report in the newspaper. But what it comes down to is the nuts and bolts of the appraisal. They're never going to look at the tiger salamander. They're never going to look at the old growth forest. They're never going to look at that fantastic vista. It's up to you to determine what you want to pay for that, and it's up to the Town Board to make that determination based on your input.

So I tried to give you an overview as to why the

appraisals are so different; and as I said, feel free to come into my office. If anybody has a question, I will answer it to the best of my ability; and there isn't -- there is not one document that's not on file in the Town Clerk's

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office. Actually, there's one document, but I will put it on file. It's something that I found recently. So you can look at it, and you don't even have to foil it. If I'm there, I will go get it for you."

(Laughter)

Sean Walter: "I hope I answered the questions the Board and the community has."

Supervisor Kozakiewicz: "Thank you, Sean."

(Applause)

Supervisor Kozakiewicz: "Is there anybody else who would like to address the Board? Yes, the hand in the back."

John Griffin: "John Griffin, Baiting Hollow. The only real question I have -- I don't think anybody is doubting the fact that we want to preserve this land. The only question that I have is what Mr. Walter just said, was that the Town's appraisal -- if I understood it correctly and, hopefully, I did -- that the Town's appraisal assumed that the special permit would be approved for the 222 condo units. That is what the 6.5 million dollar appraisal came

in based on. But then about two minutes later, he said that the appraisal must be -- the appraiser must use the zoning as it is now. That seems to me like a conflict. And that is where the County came in with a two point or a three point

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whatever. Was I -- was I incorrect in hearing that?"

Supervisor Kozakiewicz: "I think what he is saying is that the zoning, as it exists, allows for the condo development to be placed on the property by a special permit. That was his point."

John Griffin: "Okay. But the Town Board has the possibility of not granting a special permit."

Dawn Thomas: "Well, yes and no. There's discretion in granting a special permit; but if an applicant meets all of the criteria, they have no discretion. They have to grant it."

John Griffin: "Okay. So they have to meet all of the criteria in order to do that?"

Dawn Thomas: "Yes. If they do -- "

John Griffin: "So if they don't meet one piece of criteria, it could -- it could stop it."

Dawn Thomas: "Yes. But if you meet all the criteria, they don't have any discretion."

Audience Members: "Can't hear you. We can't hear

you."

Dawn Thomas: "I don't have a mike. I'm sorry."

Supervisor Kozakiewicz: "The point the town attorney was making is that under a special permit -- a special permit

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is different from a change of zone. A special permit is identified in the zoning text as a use that boards have found to be an acceptable use, although it's not a permitted use. A permitted use is something that if you purchase a piece of land, you can file a building permit, or if you need a site plan, get a site plan approval first and then build. A special permit, you cannot. A special permit requires that you come to a Town Board first. You come to the Town Board and go through the process of a special permit.

But because it's already been identified in the zoning text as a use that is envisioned to go within a particular zoning area, it enjoys a higher standard. It's already presumed as it's okay, but it's got to be found to fit the threshold requirements or the standards or the criteria for applicability to that particular lot. So it's a lesser threshold. It's a less of a jump, if you will, for somebody who is looking to build something where there is a special permit."

John Griffin: "So then I would have to assume that if you do accept this six and a half million dollar proposal, or whatever you want to call it, that you've already assumed that the special permit would be issued."

Supervisor Kozakiewicz: "There was a discounting in

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the appraiser, based upon where it is in the process. Not unlike -- I think Mr. O'Dea mentioned it earlier -- there was a piece, Campo, where the County purchased it. It had not even gotten this far through the Environmental Impact Review status, and there was certain factoring in of costs to take away from the appraised number. So they came up with a higher number, based upon 222 condo units, then they cut it back based upon where it was in the process."

John Griffin: "Okay. Thank you."

Supervisor Kozakiewicz: "Also, as pointed out by the deputy town attorney, they used a second method of evaluation when they looked at this market value approach; and that is the fact that there is a subdivision shown from the 60's. Whether it could be developed, whether it's valid, again, these are legal questions that would be ferreted out in a court of law, if we don't go through the process of buying it, if they wanted to develop it.

They did check the board, as I understand the parcels,

which means simply that when we go through substandard lots, if they're substandard and they're held in common ownership, common lot lines, they are deemed to merge, and they would go into a larger lot. What I understand happened in this case is they had three or four different owners, and they -- each

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deeded out to the individual owners, so they hold title. There is no contiguous parcels, no two parcels that are next to each other that are in the same form of ownership. This is a way that you can preserve a filed subdivision map.

Again, now whether it would fly or whether it would work out or not, there is a bit of a question. There was, I think, some modification of that as well. But there is a valid subdivision map that was filed, that's in the Suffolk County Clerk's office, with these four property owners listed as the owners of those lots."

John Griffin: "Okay. My two minutes is over. I just want to -- "

(Laughter)

John Griffin: "You know, again, nobody wants to not have the Town purchase this property, but nobody wants -- we want to pay what it's worth today to the person who's selling it, not what it could be worth in ten years, because that's not the way you sell something. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Is there anybody else who would like to address the Board? Councilman Lull."

Councilman Lull: "I just want to point out one thing

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that was discussed by a couple of people who came to the microphone, and that is that this property does border the railroad and it does border the sewer plant. However, the place where they are going to build on this property is a quarter of a mile of solid woodland from the railroad and from the sewer plant. They are not in any way in play in this area."

Supervisor Kozakiewicz: "There was another hand up. Yes. Hal, do you want to come back up?"

Hal Lindstrom: "Hal Lindstrom, Riverhead. One question that bothers me and one of the things that I read in the papers was that this intermediate who bought this piece of property, I read that you had dealings with this person before you were a Supervisor. Bob, is that true?"

Supervisor Kozakiewicz: "I represented him on another piece of land, yes."

Hal Lindstrom: "Okay. Then I think the question is -- "



Supervisor Kozakiewicz: "And we haven't voted on anything yet here today, as far as the acquisition."

Hal Lindstrom: "Right."

Supervisor Kozakiewicz: "So I would just point that out. This is just to hear from the public."

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Hal Lindstrom: "Right. But I think the question in everybody's mind is: Did that have any bearing on entertaining this proposal?"

Supervisor Kozakiewicz: "We haven't voted on anything yet, and we have an appraisal from December 2002 that it is appraised at 6.5 million."

Hal Lindstrom: "Okay. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else?"

(There was no response.)

Supervisor Kozakiewicz: "Then that being the case, I declare the public hearing closed, the time being 8:23 p.m."

Public Hearing closed: 8:23 p.m.

Public Hearing opened: 8:23 p.m.

Supervisor Kozakiewicz: "The time still being 8:23,

Barbara, would you read the affidavit of publishing and posting on our second public hearing."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Wading River Congregational Church, Wading River, New York, on July 15,

2003 at 7:10 p.m., regarding the consideration of a special permit of T-Jay's Transmission to construct a 5,700 square foot motor vehicle repair shop located at East Main Street, Riverhead."

Supervisor Kozakiewicz: "Okay. Is there anyone -- oh, John. John Brown."

John Brown: "Supervisor."

Supervisor Kozakiewicz: "Good evening."

John Brown: "Good evening."

Supervisor Kozakiewicz: "John, are you going to have anyone testify for you tonight?"

John Brown: "Yes. Rob."

Supervisor Kozakiewicz: "Well, tell you what, we'll take a -- we're losing people? We'll take a -- "

John Brown: "Supervisor, if you'd like to take a break, that would be fine."

Supervisor Kozakiewicz: "We'll take a two-second break to allow people to leave."

(Brief break taken.)

Supervisor Kozakiewicz: "All right, folks, if we can come back to order to conduct the second public hearing. Thank you."

Public Hearing started at 8:26 p.m.

Supervisor Kozakiewicz: "All right. Now that everyone -- I have your attention, we're going to resume with the special permit hearing.

And, John, I was going to ask you if you have anyone else testifying because what we will do is I will ask the town attorney to swear you all in. One of the vestiges of our Special Permit Division is that we have to swear all speakers."

John Brown: "Thank you, Supervisor. Jay Tranchina and Robert Stromski and myself."

Supervisor Kozakiewicz: "Thank you."

Dawn Thomas: "You just want to swear everybody in and then you can -- we can do it that way?"

Supervisor Kozakiewicz: "That's what I think. At least while we're free right now, we will swear them in and we'll go right through it."

Dawn Thomas: "Okay. Mr. Brown."

John Brown: "Yes."

Dawn Thomas: "Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?"

John Brown: "Yes."

Dawn Thomas: "Mr. Brown. Brown? Yes?"

Supervisor Kozakiewicz: "Mr. Tranchina."

Dawn Thomas: "Oh, I'm sorry. I'm -- sorry.

Tranchina?"

Jay Tranchina: "Tranchina."

Supervisor Kozakiewicz: "Tranchina. I'm sorry."

Dawn Thomas: "Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?"

Jay Tranchina: "Yes, I do."

Dawn Thomas: "Mr. Stromski, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?"

Robert Stromski: "Yes."

Supervisor Kozakiewicz: "Great. Mr. Brown, the floor is yours."

John Brown: "Yes. Thank you, Mr. Supervisor.  
The -- "

Supervisor Kozakiewicz: "Now we're going to look for a textbook demonstration and presentation on how the special permit applies and how you're going to meet all of the criteria for the statute."

John Brown: "I hope not to disappoint anyone.

Mr. Supervisor, Members of the Board, Town Attorney, and Madam Clerk, thank you for this hearing this evening. I represent Mr. Jay Tranchina, who is the owner of the property of 01.18 acres, identified as Suffolk County Tax Map No. 0600-10927.1.

It is approximately 145 feet south of Elton Street on West Main Street. It is a vacant parcel. My understanding from a review of the site is that it contains the remains of an old basement. It is wooded on part of the site and part of the site -- I believe a portion of the site is grass.

Adjacent to the parcel is a number of uses. A Hunter Insulation has a warehouse immediately behind this parcel. There is a tire and auto repair facility, roofing and insulation across the street. True Tech is around the corner, as you know, on Elton Street. Riverhead Radiator. There is a gas station up the street and an insurance agency. There are some residences in that immediate area, but the area seems to be dominated by auto repair facilities.

The Planning Board issued its recommendation for this site, for this use on this site, on September 5th of '02. On September 6th, there were findings made by the Town Board, including no significant impacts on the site. They found

that it was in conformity with uses in the area, and no significant impacts, according to the County, on September 17th.

The use itself is essentially identical to the use which is at the current location. The use is going to be essentially transported across the street, a little bit further to the east, and a very similar type facility. It is a transmission repair facility. It is relatively enclosed and benign; moderate amount of traffic coming and going from the site; and it is reasonable in consideration of the location around that area, and the lot size is large enough to accommodate the proposed 5700 square foot building. It is, as I said before, very similar to the existing rented premises that Mr. Tranchina must part from in approximately one year's time.

There are relatively no hazards or disadvantages to the neighborhood from the location of this property or from the use of this facility. There is a need for this type of a facility located in the town. Traditionally, that part of West Main Street has been utilized in auto repair type facilities, auto radiator repair, things of that fashion. It is, of course, in harmony with the other uses that are in that area.

The access to the street is both adequate for the volume of traffic anticipated. We don't anticipate that the traffic would be any greater than that which is coming off of the existing facility. There are sidewalks there that would, of course, be improved in accordance with the approved site plan and upgraded.

I believe at this point it would be appropriate for me to have the representative, the architect, Mr. Robert Stromski, speak to the other issues."

Supervisor Kozakiewicz: "Thank you, John."

John Brown: "Thank you."

Robert Stromski: "From the beginning of this project, Mr. Tranchina had approached us with the fact that he was going to be leaving the lease of the existing property and was looking to purchase the new property and to then move his business into that.

From day one, Mr. Tranchina has been very sensitive to the facts of what his building was going to look like. We actually have gone through the whole site plan review process, presented the project to the members of the Architectural Review Board. We have tried to keep all of the characteristics of, quote/unquote, a warehouse building, somewhat distant from the look of this project.



One of the things was is instead of facing a hundred foot building wide to the street with a narrow lot, we faced the building, the 50-foot side of the building to the street. We also put an office building with more in character of the somewhat gaber roofs that you have in the area. So, again, you're not imposed with just a large metal building on the street as what you may see with some of the other warehouses in the area. That was one of Mr. Tranchina's main purposes is he really wanted to have a facility that looked as well as his business does.

He's looking to pretty much just run the same facility that he has now. With the new property, he is actually able to have some nice greenery in the front to kind of screen the whole area, kind of in keeping with some of the street trees that are starting to go down that area from Elton Street. Our whole position was to continue that and kind of clean up the area with a lot of the other projects that you have there, with the new buildings that seem to be coming in and also some of the new projects that are going there.

When we presented this to the Review Board, that's generally some of the comments that they actually liked with the project is with the fact that we were sensitive to those

kind of concerns. The building is not just a metal building;

and we're actually going to have asphalt shingle, beveled siding, and we have a simulated stone watershed, a water table, that is going to go around the whole building. So this really is what I would call your premium type of, you know, prefabricated metal building. I don't think it's going to look like it from the street; and the way the site was laid out and the landscaping, he's generally -- you know, he's not going the cheap way out. I can guarantee you that.

And as far as I know, the site plan process has pretty much been just about ready to be approved. One of the things was this condition of the special permit; that once this decision is rendered, that more than likely, the Town Board would then be in a position of looking at the site plan for the approval there.

If the Board has any questions at all at the time when the site plan happens, which -- you know, I can go over all these comments again. If there's anything more to address as far as the aesthetics of the building or the concept of the site layout, I would be more than happy to answer any questions that you may have."

Supervisor Kozakiewicz: "Thank you."

John Brown: "Mr. Jay Tranchina."

Jay Tranchina: "Good evening, Members of the Board."

I would just like to say that I have been there on East Main Street for about 20 years. I have seven people that work for me, and three of them have been with me for 20 years already. Families, kids ... I got them when they were high school kids and girlfriends, got married, bought houses, families.

So I'm not looking to expand at all. I am just looking to -- my lease is up. I'm not going to renew for a few reasons, but I am just looking to move down the street. A little cleaner building, a nicer building, landscaped nicely. Aesthetically, it's a lot nicer than where I am now, although I have kept this building up, kept up with the maintenance and the landscaping as a renter.

I've got a long way to go yet. I've got five kids I've got to put through college, so I'm going to be there for a while; and the guys that are with me have been there 20 years already. So it's a decent operation. I run an honest business. I think it's a service to the people of Riverhead also. The -- you know, you get a job done decently; and if there's a problem with it, I'm right there with the warranty. So thank you."

Supervisor Kozakiewicz: "You answered some of my questions. One of the questions I was going to ask you is, you know, what is going to happen with the current location.

You touched on that.

This building is 5700 square feet. What's your existing building, as far as the size?"

Jay Tranchina: "4800."

Supervisor Kozakiewicz: "Are you looking to add on more employees? Are you -- "

Jay Tranchina: "I'm not."

Supervisor Kozakiewicz: "Okay."

Jay Tranchina: "I'm not. Actually, what I want to do is put the office outside the main building, cuts down on the noise, makes it a little more professional, a little quieter for them to operate in there. The customer, you're trying to speak to them without the air guns going and the -- you know, the noise of the shop. So that 700 square feet is actually a separate -- attached to the front of the building, but that would be the office and waiting area."

Supervisor Kozakiewicz: "Okay. Anybody else have any questions? All right."

John Brown: "If I could just address one other issue which I believe the special permit procedures require. Both public water and sewer are available at this site and location, and I believe that the other requirements under the special permit procedure are not applicable to this site."

Supervisor Kozakiewicz: "Thank you, sir."

John Brown: "Thank you, sir."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board with regard to the special -- yes, sir. Art Binder."

Art Binder: "Art Binder, Baiting Hollow. Over the years -- "

Dawn Thomas: "Mr. Binder, you have to be sworn. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?"

Art Binder: "I do. Over the past 15 years, my son, Brandon, and myself at times have utilized the services of T-Jay's Transmissions. We have found them to be first-class, top notch, all the way. I think that if the Town Board permits this special permit application, it would create an environment in an industrial-type area which would bring the area up.

In other words, Jay, by creating a new business and landscaping it, would be a catalyst potentially for other people in the industrial area to come up on the ladder and hopefully improve their properties, and I think the whole town would probably benefit in the short run as well as the



long run."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board either for or against?"

(There was no response.)

Supervisor Kozakiewicz: "Nobody? Any questions of the Board for any of the speakers?"

(There was no response.)

Supervisor Kozakiewicz: "Okay. That being the case, I declare the public hearing closed. Thank you, and the time is 8:38."

John Brown: "Thank you for your attention. Have a good night."

Supervisor Kozakiewicz: "Thank you."

Public Hearing closed: 8:38 p.m.

Supervisor Kozakiewicz: At this point in time, I will open it up for comment on Resolutions. Resolutions only."

Sid Bail: "I have a comment about two different resolutions. One is Resolution 17, the subject of the



Community Development hearing, the theme park. I had the opportunity to be at your work session when the presentation was made, and I've been asked a lot of questions about it. And some people come up to me and they say like, you know, 'Are you for or against a theme park?'

Well, one of the things that we've tried to do in the Civic Association, Wading River Civic Association, since we participated in the Reuse Plan, is to be supportive of the Reuse Plan that was developed in '95 to '96 and the subsequent zoning that was put in place. So that's not an issue, you know, at all, as far as I'm concerned.

But sitting through the presentation, there were certain things that impressed me very favorably about the presentation: People coming in and telling you they -- you know, that they have the financing, and they are going to use very professional people who are well known in the theme park field, designers, planners.

However, there's a gnawing lack of specificity about exactly what they're going to do. And, for instance, there was reference they aren't going to compete with any existing attractions, such as Splish Splash. And I misjudged Splish Splash right from the get-go. I was one of those people that said, ahh, it's going to be, you know, this and that; and it

turned out to be, you know, a big asset for the town.

But they mentioned Wisconsin Dells. And as far as I can see, you know, that's basically -- when you go to the web site and everything for Wisconsin Dells, it's like Home of America's Water Park attractions, etc. So there is a little bit of confusion. Supposedly, the dividing line, these are going to be indoor, you know, but what's going to be outside is a little bit unclear.

In an article in a local paper they talked about a go-cart track, which will be available to everyone and will not require the purchase of a theme park ticket to use. And, you know, that's something that I would certainly like to know, you know, more about.

And one of the other things I thought was also interesting at the work session, they gave each member of the Town Board little packets; and I don't know what was in those little packets, but as a regular attendee at work sessions, I have seen other people make presentations and they usually have extra packets for the press. And even those poor schnooks, such as myself, who come, you know, regularly, they may even throw some, you know, our way.

I don't know how informative those packets were, but -- well, I guess what I'm saying is I don't -- I support



the -- we support the Reuse Plan. We support the existing zoning that was adopted for the redevelopment of Calverton, but I have lots and lots of questions about this particular proposal.

And I see that some of the principals are in the audience tonight. Some of them I have known, you know, for several years. I am publicly inviting them to maybe our next Civic meeting or in September, etc., to, you know, answer some, you know, questions. Because, you know, I feel kind of silly standing up here and saying I support the idea of a theme park because I don't know enough, even attending a work session, to comment on it.

So I guess what I'm saying is you were going to enter into contract negotiations, and you know the cliché, 'The devil is in the details.' I mean, I don't know what we are going to be -- what we're being -- what you are going to negotiate. And, you know, I am not second-guessing you, because you haven't even begun this; but I am trying to be constructive in my approach, etc. Everyone wants to see this thing to be the best possible project that it can. Thank you very much."

Supervisor Kozakiewicz: "Thank you, Sid."

Sid Bail: "Okay."

Supervisor Kozakiewicz: "Rolf Kestling."

Rolf Kestling: "Rolf Kestling, Wading River. I didn't realize this was on until I looked, took a little closer look at it; but as far as theme parks, theme parks also fail. They're not all a success. And I'll give the example -- I don't know if you heard -- how many -- I don't think anybody on the Board there at the table has ever heard of Freedom Land. Oh, yeah, you would. That's right. You would -- you would fit.

Freedom Land was started, I believe, in the late -- in the late 40's right after the war. The developer had deep pockets supposedly. The name was Zeckendorf, I believe. The theme park didn't last long. Three or four years it went under, and for obvious problems, which could happen here too, which I won't go into. But you all know what's up with Freedom Land now. It's Co-op Village, and that's not such a hot place anymore either. So, as Mr. Bail said, I would look very close into it to see if the pockets are deep enough, and that it doesn't -- that it is a success. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "Bill Schulman."

Bill Schulman: "Bill Schulman. See, I speak close

enough. Because these other people that speak like this, nobody can hear them back there; but I think everybody should hear what I have to say and what everybody has to say."

Supervisor Kozakiewicz: "You don't even have to get that close to the mike for everybody to hear you."

(Laughter)

Bill Schulman: "See, I -- I really didn't know -- I came down to speak about a couple of things. I didn't know that Item 17 was here. Barbara, I have to talk to you again. Okay?

First of all, it says, 'Authorizes Town Attorney to prepare contract with FRP Development Corporation for acquisition,' and so on. I take advantage of the fact that I have been a CPA for 55 years, and for 55 years, I've been conducting much of the language that attorneys put into contracts, and I sometimes help them. And attorneys are able -- and I feel confident that you have an attorney here, attorneys here, who know the law and stuff like that, but I don't make businessmen out of them.

And I think that this proposition here of a theme park -- and I'm not even sure that I'm for or against it -- and I told the reporter from the Travel Watchmen, who called me earlier today, 'I really don't know, but I may find out

before the day is over. I may find out, so I'll be able to answer you whether I'm for or against it.' Okay?

I think it's imperative -- imperative -- that the Town engage people or a person. And I'm not ready to volunteer because I'm too -- I'm busy selling golf balls. Okay?"

(Laughter)

Bill Schulman: "But I want to tell you that this thing here is really a major, major item. We don't want to make a mistake on this. There's a lot of things that are involved. And I keep telling everybody, including this Town Board, I'm not ready to die, but when I die, I'm going to be buried in that cemetery right across the street from there. And the truth of the matter is, they are not conducive for each other. People who get -- people who get buried, they don't hear anything; but the people that -- the loved ones are there and people who visit the cemetery on various occasions. And it's interesting to say that the first concert was going to be held on D-Day, on the memory of D-Day. Okay? I was there. Okay. So I know.

So I'm saying that we cannot permit the town attorney or the Town Board to create a document without the public knowing it before it is submitted, so that we can weigh what are the pluses and what are the minuses.

Also, I like to deal with facts. And I heard a rumor which bothered me, and I want to ask the Town Board if this rumor is correct: That there are various tax abatements that will be given to this group, to this development. And I want to know if that rumor is correct."

Councilman Densieski: "Well, I think the answer is yes, but not Town tax abatements. I think they're -- they're going to be eligible for all the benefits under the Economic Development Zone, but that does not impact the Town taxpayers."

Bill Schulman: "So are you saying to me, Ed, that there will be no lessening of tax -- of real estate taxes? I am interested in real estate taxes. I can't pay more than \$135,000 a year, and I want to know is this -- is this development going to get a tax relief or tax abatement, so that they will not pay their share of the taxes of running this town?"

Councilman Densieski: "I think the answer is, Bill, that they'll get everything they're entitled to under the Economic Development Zone and nothing more than that. You know, we set up the Economic Development Zone to bring business here and to create jobs and to create tax base. So we do have some incentives, mostly wage tax credits,



electric rates, etc. So they're going to be getting some tax incentives but not real property tax."

Bill Schulman: "Okay. Not real property taxes. Is that what you said?"

Councilman Densieski: "I believe that's correct. Under the Economic Development Zone, I believe that is correct."

Bill Schulman: "Well, again, I say I would like to see that the people of this town have a chance to read what this contract is going to look like before it is presented and it's too late for us to draw back. Thank you very much."

Supervisor Kozakiewicz: "I have a couple of comments I want to make. One, by authorizing the contract, none of the things that we're discussing here are set in stone.

Another point I want to make, because it seems to have been lost in this process, is that the Town Board is not making a decision on something that came to us last week. If you all remember, and I think you all do, there is a special board that is set up of businessmen, representatives from the financial community, known as the RDC. They looked at this application. There was a due diligence. There was an investigation made into the funding. There was research done in order to bring it to the point it is here today.

This is not something that was picked up yesterday and put in the packet today.

The RDC came to the Board -- and this is to your point. These are businessmen. These are representatives from local businesses. There are people from the Suffolk County IDA, Riverhead IDA; and there are people who have judged this application, looked at it, put their fingers in it, if you will, to see if it's going to stand up. The application fits the zoning for the property. They are prepared to pay twice the amount per acre for that particular area, as based upon the most recent appraisal that was done for the town.

And the other part that is important to keep mindful of here, as we all know, because it's a Community Development Agency property, they will be subjected to a qualified and eligible sponsorship hearing where you and everyone in this room and all the residents of the Town of Riverhead, for that matter, have a right to stand up and ask very specific questions: Who are you? What's your expertise? Who is the developer you have? Who is the designer you have to make sure that this design, this concept is going to work? What's your business plan?

So I want to make sure that these points are made

clear, that this is not something that's being done in a vacuum. Could they fail? They might. There's no guarantees in life, as we know, except death and taxes. So, you know, those are the two guarantees. But, you know, we have to proceed forward. There's been a very strong application made to the RDC. They have come out of the RDC by unanimous vote and recommendation to the Town Board that we proceed.

Our marketing consultant, Mr. O'Connor from Insignia, has also recommended that we take the next step forward. He has also stated for those who were at the work session that he will continue to make sure that the source of money is a solid source of money. So we are looking at this painstakingly close and trying to do the right thing for the parcel as well as for the Town.

Now, to answer the other question which deals with taxes or property taxes, under the Empire Zone or the Economic Development Zone, they would qualify for whatever benefits that any other businesses would qualify for. The whole concept of having an Economic Development Zone was to entice businesses to locate to Calverton. So to say that they're going to get benefits that someone else does, does not maybe, and then why should they, because it runs counter to the whole idea of why we have an Empire Zone

or an Economic Development Zone in the first place.

The idea of the Economic Development Zone is to attract uses that fit the zoning, that fit the Reuse Plan, that are in accordance with what has already come from all of those studies and to make that property what we all want it to be, a tax generator for property taxes, a job creator; and that's what we're, I think, all looking to achieve. So I just want to make those points clear. Thank you."

Councilman Densieski: "Mr. Supervisor, I'd like to add one other thing about the RDC. That's a group that Bob mentioned earlier that examines all these proposals. One of the main criteria that the RDC looks at when they're looking at these proposals after the number crunching is the quality of life, the effect on the local community, the effect on the cemetery across the street; and it was well scrutinized. I just want to assure you of that."

Bill Schulman: "Bob, if I can ask -- excuse me. If I can ask, because I do have to leave, on a very, very -- on a matter that's important. Again, I don't like to hear rumors. I like to hear facts. I understand, I was told, that a suit now has been filed by Mr. Dreskin (phonetic) against the Town of Riverhead. Is that correct?"

Supervisor Kozakiewicz: "I haven't seen anything."

Dawn Thomas: "No."

Bill Schulman: "Okay. It was a rumor, and I'm glad you're saying you haven't seen anything or heard anything. Thank you very much."

Supervisor Kozakiewicz: "Barbara, anything?"

Barbara Grattan: "I haven't received anything."

Supervisor Kozakiewicz: "Okay. Hal Lindstrom."

Hal Lindstrom: "Hal Lindstrom, Riverhead. As far as this theme park is concerned, we have to take into consideration -- now you said, one of your remarks was, it's to create jobs. Okay. The types of jobs that this theme park is going to create are minimum wage jobs. Right now we have more minimum wage jobs probably than any town on the East End. We have Tangers Mall. We have Splish Splash. We have the new Home Depot and all the stores in there. So we do have plenty of minimum wage jobs.

And as far as having an impact on the community, the people that live right across from there, I don't think they're going to be too happy with the noise and the 600,000 people that are going to come into this place every year. It's almost like a field day but on a regular basis.

And second and third of all, it's seasonal. So these are not going to be regular jobs. They are just going to be



seasonal jobs. I think the Board should be more concerned with creating real jobs for the community, bringing companies in like AT&T, Symbol Technology, Computer Associates, IBM. These are jobs that people can support families, not a theme park. So -- "

Councilman Densieski: "Hal, Mr. Supervisor -- "

Supervisor Kozakiewicz: "Yes?"

Councilman Densieski: " -- I would just like to respond. I agree with you we need high-tech, high-paying jobs. That's why we're hoping to expand the industrial space at Grummans. This is recreational zoned property. It's not going to change, and I think some of the jobs are going to be limited. They're going to be kid's jobs, but we are trying to expand industrial space to create high-paying jobs and a higher tax base. But on recreational zoned property, I think the jobs are going to be limited to recreational jobs."

Hal Lindstrom: "Again, you know, I just want to stress that we really do need high-paying jobs here for the people who left Grumman and also for the kids that get out of college, so that they can -- they have a choice whether to stay in Riverhead or leave Riverhead, but the jobs will be there. We have the opportunity right now on that property, if we give the right incentives to good companies, they will

come. Thank you."

Supervisor Kozakiewicz: "Thank you."

(Applause)

Supervisor Kozakiewicz: "I see a hand over here.

Yes. Marilyn Binder."

Marilyn Binder: "Marilyn Binder, Baiting Hollow.

Is the go-cart track use professional racing or family fun time?"

Supervisor Kozakiewicz: "As I understood it, it was family fun time."

Marilyn Binder: "So we are going to have a track there?"

Supervisor Kozakiewicz: "The proposal did show a track, yes, the one that was presented to us."

Marilyn Binder: "You mentioned more industrial land inside the fence. Don't we have a lot of industrial land outside the fence that has been available for many, many years? So why would we want more industrial land inside the fence if we're not selling the industrial land outside the fence?"

Councilman Densieski: "Three reasons: One, sewer, water, and Economic Development Zone. That's where the industrial should be, all together, not in clumps all over



through town."

Marilyn Binder: "Do you think that goes along with a park like this? Do you think big high-tech companies are going to come next to an amusement park? Is there anywhere in this country that you see that?"

Councilman Densieski: "Yeah, 110 in Huntington."

Marilyn Binder: "They don't have an amusement park amidst all their industrial."

Councilman Densieski: "Sure do."

Marilyn Binder: "They have a little -- a little Adventure Land. That's not what you're talking about, a track. You're talking about a track."

Councilman Densieski: "We can zone it all industrial, if that's what you're recommending."

Marilyn Binder: "No. I said we shouldn't do it industrial at all, and I think that this doesn't bring high-tech jobs. That's what we need in this town, high-tech jobs."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Okay. Then that's industrial."

Marilyn Binder: "Thank you."

Supervisor Kozakiewicz: "Anybody else? Yeah. Art

Binder."

Art Binder: "I really hate to bother the Board. You know, it's like my third time up here tonight. But, you know, I got a big mouth and I can't control myself at times, and I'm sure you will agree.

That being said, I had the opportunity within the last 36 hours to meet with a young lady named Betty Worth. Anybody on the Board familiar with her, Betty Worth? She's the sales manager for Birchwood at Wading River, which is directly across the street from where this theme park is slated to be. She told me that she's already lost two contracts for half a million dollar homes because the people found out what's going to be across the street.

Now, that is -- I don't know how big that project is, but it's maybe 300 acres. It stretches from Route 25 all the way north, that big farm field. It's a huge piece of property, and they built a lot of homes on there already on the northern end. But from where the model homes are, all the way down Route 25, that has to be at least 150 acres.

And I would suggest -- Ed, you know, you said the RDC looks into the environmental concerns around the area -- before you get involved with this kind of a project, you have the powers to be, check with Birchwood and check with the

residents in Wading River over there, who are paying huge tax bills. Because I will tell you one thing, they're not going to be real happy living next to Coney Island. You know, I'm sure many people in this room at one time or another have visited Coney Island, and I wouldn't want to live on Ocean Parkway or Ocean Avenue, which is the approach to Coney Island. So before you get involved with putting signatures on contracts, make sure it's clear sailing down the road."

Supervisor Kozakiewicz: "Anybody else on Resolutions?"

(There was no response.)

Supervisor Kozakiewicz: "Ready when you are."

Andrea Lohneiss: "Okay. Are we calling the CDA meeting to order?"

Supervisor Kozakiewicz: "Yes. Just let the record reflect that the time is 9:01 p.m., and we are adjourning the Town Board portion and calling the CDA portion, the CDA, to order. Thank you."

Andrea Lohneiss: "Okay. Andrea Lohneiss, CDA Director.

Resolution No. 17: Authorizes the Town Attorney to prepare a contract with FRP Development Corp. for the acquisition of property between 120 and 130 acres at the

Calverton Enterprise Park."

Councilman Densieski: "So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass is absent; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Andrea Lohneiss: "The resolution is adopted."

Again, to reiterate, this is the beginning of what will be a many month process of negotiation of terms to the point where the Town Board can hold a hearing, which we refer to as a Designation of Sponsor Hearing, pursuant to the Urban Renewal Law; and at that time the full scope of the project will be presented to the public for their commentary, and that is prior to any execution of a contract. Then there would be a subsequent resolution before the Supervisor would be authorized to execute a contract.

Resolution 18: Authorizes the Chairman to execute a license agreement with North Fork Classic Horse Show, Inc."

Councilman Lull: "So moved."

Andrea Lohneiss: "There had been a previous resolution authorizing that agreement. It has not yet been signed. It's been modified in a minor way, and so this resolution actually authorizes a revised contract

agreement."

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Densieski: "Second the motion."

The Vote: "Sanders -- "

Councilwoman Sanders: "I just want to comment that when -- at a point in time when we require the payment of the license fee, and within the five days of the adoption, that fee must be paid, can we entertain in the contract that it will say that the agreement is void, that language? Can we incorporate that language into the contract itself? And then we say that -- "

Andrea Lohneiss: "You mean the license agreement? Well, I don't have the license agreement with me."

Supervisor Kozakiewicz: "I think the question -- "

Councilwoman Sanders: "I don't have it with me."

Supervisor Kozakiewicz: "I think the question is can there be language, and I would say I don't see why not -- "

Andrea Lohneiss: "Sure, you could."

Supervisor Kozakiewicz: " -- which would say that 'Upon execution of a license agreement, the fee is to be deposited within five days, and if not, the contract shall be void able or null and void.'"

Andrea Lohneiss: "That was the intent, I think, of the deputy town attorney preparing the modification."

Supervisor Kozakiewicz: "I think that was the question that's coming from Councilwoman Sanders, correct?"

Councilwoman Sanders: "Yes."

Andrea Lohneiss: "We can do that."

Supervisor Kozakiewicz: "All right."

Andrea Lohneiss: "That within five days from tonight, the agreement would be executed, all fees would be paid or the agreement is rescinded."

Councilwoman Sanders: "Correct."

Andrea Lohneiss: "That is the intent, so I'm sure that the town attorney will check that out tomorrow."

Councilwoman Sanders: "Okay. Thank you."

The Vote: "Sanders, yes; Densieski -- "

Councilman Densieski: "Yeah. I'm a big supporter of the North Fork Classic, and I'm glad they're on town property, and I hope -- I hope they're successful. Yes."

The Vote (continued): " -- Densieski, yes; Lull, yes; Kozakiewicz -- "

Supervisor Kozakiewicz: "I also vote yes on this amended license agreement with North Fork Classic. They had come to the Town a few years back and had lost their

location further east. I believe the location has worked well for them. I know that it's something that they would like to establish on a permanent basis at the property. I hope that they have tremendous success; and I hope by this time next year there is something of a more permanent nature set up with North Fork Classic, so that we don't have to, every year, go through a license agreement. So I vote yes."

The Vote (continued): " -- Kozakiewicz, yes."

Andrea Lohneiss: "Okay. Resolution 18 is adopted."

Supervisor Kozakiewicz: "Any other business?"

Andrea Lohneiss: "No."

Supervisor Kozakiewicz: "Thank you. Declare the CDA portion closed at the time of 9:05, and we will reconvene the Town Board meeting to take up Resolutions."

Barbara Grattan: "Resolution No. 796, Councilman Sanders."

Councilman Sanders: "Authorizes the Town Clerk to publish and post a Public Notice to change the location of a Riverhead Town Board Meeting, July 24th for September 16th, at the Senior Citizen Human Resource Center. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;

Kozakiewicz -- "

Supervisor Kozakiewicz: "Just to explain what we're doing, we are changing our regular meeting location of September 16th to convene it instead at the Senior Citizen Human Resource Center. We had a presentation from the various Human Services in the town in an effort to try and coordinate and provide more Human Services liaison, so that anyone who comes to the town has a one-stop shopping, if you will.

Councilman Lull asked me to move this location so that we can have an Open House to showcase some of these issues and also have a Town Board meeting that same day. So that's why we're having this special date set up. And I vote yes."

The Vote (continued): " -- Kozakiewicz, yes."

Barbara Grattan: "That resolution is adopted. 797, Councilman Densieski."

Councilman Densieski: "Authorizes the Town Clerk to post and publish a Public Notice of a Public Hearing to consider a proposed local law for an amendment of Chapter 101, Vehicles & Traffic, of the Riverhead Town Code."

Councilman Lull: "So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."



The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 798, Councilwoman Sanders."

Councilwoman Sanders: "Authorizes the Town Clerk to post and publish a Public Notice of a Public Hearing to consider a proposed local law for an amendment to Chapter 95, entitled 'Taxation' of the Riverhead Town Code. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 799, Councilman Lull."

Councilman Lull: "Authorizes the Town Clerk to publish and post a Public Notice to consider an amendment to Chapter 108 of the Town Code of the Town of Riverhead, entitled 'Economic Development Zone at Calverton.' So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, no; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted.  
Resolution No. 800, Councilwoman Sanders."

Councilwoman Sanders: "Accepts resignation of  
Detention Attendant. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 801,  
Councilman Lull."

Councilman Lull: "Amends Resolution 724. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 802,  
Councilman Densieski."

Councilman Densieski: "Approves a request for a  
leave of absence. So moved."

Councilman Lull: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted.  
Resolution 803, Councilman Lull."

Councilman Lull: "Appoints Detention Attendants  
to the Police Department. They are Barbara Taylor, Debra  
Doscinski, and Patricia Dorfer. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 804,  
Councilwoman Sanders."

Councilwoman Sanders: "Authorizes the release of  
security for Serota & Sons of Wading River. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 805,  
Councilman Densieski."

Councilman Densieski: "Approves three sign permits  
of Borders. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Densieski -- "

Councilman Densieski: "This is an override to the ARB. The ARB is doing a great job trying to clean up the signs around town, and I give them all the credit in the world. But I really believe that if the Borders people don't get this -- their signs on there, there is a very good chance we're going to lose them. They don't have a sign that comes with the landlord, and I personally have written to Borders several times trying to get them to come downtown, but we do need a bookstore in town.

So I hate to override the ARB, who does a great job, but in this instance, I think it's important to do so. So I am going to vote yes.

The Vote (continued): " -- Densieski, yes; Lull -- "

Councilman Lull: "My reason for voting yes on this is because I did visit several Borders in other communities recently, and the signs that we are approving are essentially corporate signs, not menu signs. So the ARB disapproves of menu signs but approves corporate signs, and I believe these are corporate signs. So I vote yes."

The Vote (continued): "Lull, yes; Kozakiewicz --"

Supervisor Kozakiewicz: "I want to agree with a lot of comments made from my colleagues. One, that they are --

the ARB has been doing a very good job, given what we have for a sign ordinance. I know that we've talked about the sign ordinance and updating it for a long time, way too long.

Two, that they felt strongly that, based upon certain direction and aesthetics that they felt compelled to enforce, that they did not wish to cave in, kowtow, acquiesce, whatever word you want to choose, to corporate America. And these are always tough because the corporations come in and say this is our corporation, this is our logo, and this is what we have.

When I listen to people around the town, two of the things I hear the most that they really want to see is a bookstore and movies. Those are the two things that you hear constantly and then followed maybe by an indoor swimming pool. But those are the things that the public really wants. They want a good quality, high quality, bookstore.

I don't cherish having to override the ARB, but on this one, I will. I vote yes.

The Vote (continued): " -- Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 806, Councilman Lull."

Councilman Lull: "Approves the temporary sign permit of The Estates at Olde Vine Golf & Country Club. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 807, Councilwoman Sanders."

Councilwoman Sanders: "Approves the application of Word of Life Ministries for a church-related Street Fair. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 808, Councilman Densieski."

Councilman Densieski: "Approves the application of the United Comprehensive Care, Limited, Health Fair. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 809,

Councilman Lull."

Councilman Lull: "Authorizes the attendance of two police officers to a Managing Police Discipline Seminar. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 810, Councilwoman Sanders."

Councilwoman Sanders: "Authorizes the attendance of Assessor at seminar. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 811, Councilman Densieski."

Councilman Densieski: "Authorizes the Supervisor to execute a Stipulation of Settlement with a Town employee. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Did you move to second?"

Councilman Lull: "Yes. Seconded."

Supervisor Kozakiewicz: "Okay. Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted.  
Resolution 812, Councilman Lull."

Councilman Lull: "Authorizes the Supervisor to  
execute a contract agreement with the Chief of Police. So  
moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski -- "

Councilman Densieski: "Yeah. The contract was dated  
(inaudible). Yes."

The Vote (continued): " -- Densieski, yes; Lull,  
yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 813,  
Councilwoman Sanders."

Councilwoman Sanders: "Authorizes the attendance at  
a meeting for the Assessor and a Deputy Town Attorney. So  
moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."



The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz -- "

Supervisor Kozakiewicz: "I am going to explain this one too. This is to authorize the deputy town attorney and a representative from the Assessor's office to travel to Albany on August 12th, the date that we have been told the State Office of Real Property Services intends to address the case that was filed by Southampton Town for the special school segment rate. That may change, but this is what we need to do to authorize them to go upstate in order to attend.

I intend to also be present, and I will also share with you a conversation I had with Assemblywoman Patti Laborde (phonetic), indicating that she was also available on August 12th and that she intended to be present as well. So I vote yes.

The Vote (continued): " -- Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 814, Councilman Lull."

Councilman Lull: "Approves the Stipulation of Settlement. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;

Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 815,  
Councilman Lull."

Councilman Lull: "Classifies action and declares  
Lead Agency on special permit of Omnipoint Communications and  
refers the Petition to the Planning Board. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 816,  
Councilman Densieski."

Councilman Densieski: "Mr. Supervisor, I believe we  
need a motion to -- I'd like to table Resolution 816. We  
have just been alerted by the deputy town attorney that this  
needs some more work. Motion to vacate."

Councilwoman Sanders: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded to  
table. Vote, please."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is tabled.  
Resolution 817, Councilwoman Sanders."

Councilwoman Sanders: "Appoints provisional Account Clerk Typist in the Building Department. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 818, Councilman Lull."

Councilman Lull: "Approves the Engineer Rate Schedule. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 819, Councilman Densieski."

Councilman Densieski: "819 is a General Fund budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, no; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 820,

Councilwoman Sanders."

Councilwoman Sanders: "Birchwood at Wading River  
Phase II Water Extension Capital Project budget adoption.  
So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 821,  
Councilman Lull."

Councilman Lull: "It is the Water District budget  
adjustments. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 822,  
Councilman Densieski."

Councilman Densieski: "Sound Road Road Improvements  
Capital Project budget adoption. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;

Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted."

Councilwoman Sanders: "Can we move these as a group instead of going through each one?"

Supervisor Kozakiewicz: "We could."

Barbara Grattan: "Riley Avenue, Youngs Avenue, Osborne... "

Councilman Densieski: "I would like to move that we move Resolutions 823, 824, 825, 826, 827, 828, and 829 in a block, if there is no objection."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded. Vote, please."

The Vote: "Sanders, yes; Densieski, yes; Lull -- "

Councilman Lull: "My only objection to moving them that way is that people should know what's going on. So I'm sorry, but I want to read at least the roads that are being paved because these are budget adoptions for the Highway Department for paving streets: Sound Avenue; Riley Avenue; Youngs Avenue; a portion of Osborne Avenue; a portion of Ostrander Avenue; Mill Road; Ziemacki Lane; and North Country Road, a portion of that. Yes."

The Vote (continued): " -- Lull, yes; Kozakiewicz,

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yes."

Barbara Grattan: "The resolutions are adopted. 830,  
Councilman Densieski."

Councilman Densieski: "Accepts the Supplemental  
Draft Environmental Impact Statement supporting the Change  
of Zone Petition of Traditional Links, LLC, and refers the  
Petition to the Riverhead Planning Board; and authorizes the  
Town Clerk to publish and post a Notice of a Public Hearing.  
So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, sustained; Densieski, yes; Lull,  
yes; Kozakiewicz, yes."

Supervisor Kozakiewicz: "And this is setting up a  
public hearing for the 6th day of August at three o'clock to  
hear from those on the Draft Supplemental. Yes."

Barbara Grattan: "The resolution is adopted. 831,  
Councilman Lull."

Councilman Lull: "Approves Stipulation of Settlement  
of the CSCA. So moved."

Councilman Densieski: "I will second it."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;

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Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 832,  
Councilman Lull."

Councilman Lull: "832 amends No. 737 of 2002, which  
is the site plan approval of the Riverhead Charter School.  
So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders -- "

Councilwoman Sanders: "Discussion. Mr. Supervisor,  
I would like to cross out or strike in the first Resolved  
Item No. 1, that all temporary improvements ... strike  
'improvements' and change that to 'classrooms'."

Supervisor Kozakiewicz: "Okay. So you have a motion  
to amend?"

Councilwoman Sanders: "Yes."

Supervisor Kozakiewicz: "Okay. Any other changes?"

Councilwoman Sanders: "That's it."

Councilman Densieski: "So we're going to move it as  
amended then?"

Supervisor Kozakiewicz: "That would just be up  
here."

Councilman Densieski: "The bottom one too?"

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Supervisor Kozakiewicz: "No, it's just on the top one. Well, actually, it should be down here too. Right?"

It should also be reflected down on the bottom that all the proposed permanent and temporary -- no, temporary improvements are improvements on their own."

Councilwoman Sanders: "That's correct. That's correct. Yes."

Supervisor Kozakiewicz: "That's correct. So that would be improvements."

Councilman Lull: "She said this one down here too."

Councilwoman Sanders: "The first Resolved -- "

Supervisor Kozakiewicz: "No, the first Resolved."

Councilwoman Sanders: "The first Resolved, Item 1, change the word 'improvements' to 'classrooms'."

Supervisor Kozakiewicz: "Okay. What is happening is two things. We are extending the temporary classrooms and modulars for three years based upon the input from our planning consultants; but what he is asking, in turn, is that there's temporary and permanent improvements in order to allow them to be done by a certain date. So there's two conditions. All right? Any other discussion?"

Councilwoman Sanders: "No."



Supervisor Kozakiewicz: "Okay. So we will vote on

it as amended."

Barbara Grattan: "Okay. So she got it to amend. Is there a second?"

Supervisor Kozakiewicz: "There was a second to that. Is that right? You voted?"

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "So we can vote on the amendment. You want to do that?"

Barbara Grattan: "Okay. Ready."

Supervisor Kozakiewicz: "Vote on the amendment then."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Supervisor Kozakiewicz: "And now we're going to move the resolution as amended."

Councilwoman Sanders: "As amended."

Supervisor Kozakiewicz: "Correct?"

Councilwoman Sanders: "That's correct."

Barbara Grattan: "Yes."

Councilman Lull: "I vote to move Resolution 832 as amended."

Councilwoman Sanders: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded as



amended. Vote, please."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted.  
Resolution No. 833, Councilwoman Sanders."

Councilwoman Sanders: "Revises the Town Grants  
Policy Statement (Town Board Resolution 581). So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski -- "

Councilman Densieski: "I didn't vote for this  
for the first time because I didn't think it was really  
understood, and I'm sure it's still not. So I vote no  
again."

The Vote (continued): " -- Densieski, no; Lull -- "

Councilman Lull: "I am going to vote no too."

The Vote (continued): " -- Lull, no;  
Kozakiewicz -- "

Supervisor Kozakiewicz: "Well, my vote doesn't mean  
much at this point, does it?"

Barbara Grattan: "No."

Supervisor Kozakiewicz: "But I will vote yes, and  
I'll explain what we were trying to do."

The Vote (continued): " -- Kozakiewicz, yes."

Supervisor Kozakiewicz: "We had a follow-up meeting on the Grants Policy in order to provide for a quarterly reporting, which was Subsection 2. So, Barbara, it did not pass."

Barbara Grattan: "It did not pass."

Supervisor Kozakiewicz: "Okay. 834."

Barbara Grattan: "834, Councilman Lull."

Councilman Lull: "Appointment of Executive Assistant to the Town Supervisor, that being Tara McLoughlin (phonetic). So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 835, Councilman Densieski."

Councilman Densieski: "Appointment of a secretary, MaryJo Cookshank (phonetic), to the Town Supervisor. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;

Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 836,  
Councilman Lull."

Councilman Lull: "Approves application for the North  
Fork Classic. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes;  
Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. 837,  
Councilwoman Sanders."

Councilwoman Sanders: "Adopts -- "

Councilman Densieski: "I'm going to make a motion  
that we table this. 837 has not -- we have not received a  
report from the Planning Board."

Councilwoman Sanders: "Correct."

Councilman Densieski: "And I don't believe we have  
received anything from the DEC yet in responses. So I am  
going to motion to table 837 until we receive the proper  
reports."

Councilman Lull: "I would second it."

Supervisor Kozakiewicz: "Moved and seconded to  
table. Vote, please."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is tabled. Now, Resolution 838, to pay bills."

Supervisor Kozakiewicz: "838, to pay bills. Who is moving it?"

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Densieski: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded. Vote."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The bills are paid. Now, we've got the resolutions for June."

Councilman Lull: "Resolution 839 authorizes the Town Clerk to post and publish a Public Notice for a public hearing to consider a proposed local law for an amendment of Chapter 101, Vehicles & Traffic, of the Riverhead Town Code. This being for a public hearing on August 5th at 2:40 p.m. for Central Avenue and Oak Street in Wading River. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."

Barbara Grattan: "The resolution is adopted. Bob, have you got the tabled resolutions?"

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "Yes?"

Supervisor Kozakiewicz: "Yes. I didn't know that there was going to be a motion -- I think I mentioned it at the beginning of the meeting. I know I did."

Dawn Thomas: "Yeah, we got it."

Supervisor Kozakiewicz: "Okay."

Dawn Thomas: "We got it."

Barbara Grattan: "Not everybody did."

Councilman Densieski: "I'd like to move off the table Resolution 776, which approves a sign permit of Saladino & Hartill, LLP. So moved."

Supervisor Kozakiewicz: "Is there a second to move it off the table?"

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded to take it off the table."

The Vote: "Sanders, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes."



Barbara Grattan: "The resolution is off the table."

Councilman Lull: "I move 776."

Barbara Grattan: "Okay."

Councilwoman Sanders: "Did he say he moved it? Is that what he said?"

Barbara Grattan: "He's moving it."

Councilman Densieski: "He just moved it."

Councilman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Densieski, yes; Lull, no; Kozakiewicz -- "

(Laughter)

Supervisor Kozakiewicz: "Well, so much for when you don't have a full board. Well, I will vote yes."

The Vote (continued): " -- Kozakiewicz, yes."

Barbara Grattan: "And that resolution is not adopted."

Supervisor Kozakiewicz: "It's not adopted. Any other resolutions?"

Barbara Grattan: "No. That's all."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "Done."

Supervisor Kozakiewicz: "That being the case, we'll



open it up for public comment. Anybody who wishes to address the Board, this is your part."

Barbara Grattan: "We have a couple of cards here, Bob."

Supervisor Kozakiewicz: "Oh, we have cards? I'm sorry."

Barbara Grattan: "Yes, I do."

Supervisor Kozakiewicz: "Okay. Did you keep them in the regular order?"

Barbara Grattan: "No, because half of them spoke already."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "Sid Bail, are you coming up again?"

Sid Bail: "Yeah."

Barbara Grattan: "Sid is, yeah."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "Rolf, you want to come up again?"

Rolf Kestling: "Yeah."

Barbara Grattan: "Rolf is coming up again."

Supervisor Kozakiewicz: "Okay. Was Rolf right after Sid or before?"

Sid Bail: "Well -- "

Supervisor Kozakiewicz: "I'm just teasing."

Barbara Grattan: "Bill is gone and Terry Hulse is gone. Okay."

Sid Bail: "Sid Bail, Wading River. I am -- on behalf of the Civic Commission, and I hope a large number of people in the community, I want to thank you for all the work that's been done in the Wading River parking lot. And I was cutting the lawn by the history -- Historical Society today, looking across the street at it; and just a few minutes before you guys were finishing up your resolutions, I ran out the door because I just thought I saw the electrician working on the lights tonight and, you know, they're on.

And I think it's going to be an important addition to the town. It's the kind of thing that the Master Plan Update said this is the kind of thing that you should be doing to emphasize, you know, the community. And we are going to continue -- the project isn't completely done yet, and there's still some more work to be done.

The Civic Association will be applying money that we had contracted out already for additional plantings. Also, some of the people have commented on the Duck Ponds. The eastern pond looks kind of bare since that big tree was cut

down, so we may be adding trees there.

And during the winter season, the holiday season, if you notice with the ornamental lights that have been put in the parking lot, there are places for like plug-ins, and we're going to try and have some appropriate, really nice, seasonal stuff there.

So it's really -- I thank the Board members. I'd like to thank Rich Givney (phonetic) from our Association; and, especially, I like the enthusiasm and dedication of Ken Kessner (phonetic), you know, throughout. The most positive guy in the world. And Young and Young, Howie Young. All right? I'd like -- I'd like to thank him. Tom Wolf. Thank you."

Councilman Densieski: "Thank you, Sid."

Supervisor Kozakiewicz: "Thank you, Sid. Rolf Kestling."

Rolf Kestling: "Rolf Kestling again. I will just make it fast. I missed the time on that Aquebogue meeting. Is that a daytime meeting?"

Supervisor Kozakiewicz: "Yes."

Rolf Kestling: "Okay."

Supervisor Kozakiewicz: "Two o'clock."

Rolf Kestling: "Two o'clock. Because I don't think

you mentioned it, honestly. But I've got so many scribbles on here this meeting, I can't even read my own writing.

I noticed -- I think the Town could use a proofreader on a lot of things. You know, here they've got 'contact' when it's supposed to be 'contract'. You know, little things like that."

Supervisor Kozakiewicz: "Spell check on the computer."

Rolf Kestling: "Oh, yes. Mr. Densieski, I hope you noticed the attendance of the daytime meeting for senior citizens last time in the Senior Center. Boy, was that crowded. I think we'll go back to the night meeting."

Councilman Densieski: "Note of sarcasm noted."

(Laughter)

Supervisor Kozakiewicz: "Duly noted."

Councilman Densieski: "Duly noted."

Supervisor Kozakiewicz: "Nicole Fanelli-Burke."

Nicole Fanelli-Burke: "Hi. Nicole Fanelli-Burke from Wading River. I also agree with Sid that the Duck Pond -- the parking lot looks really, really great. It's a long time coming, and it's really, really nice. Thank you for doing it so well, and we're glad it's finally getting finished too.

But I just want to comment again on, I spoke to you back in February about the ponds across the street. Just a little rehash. The silt has really accumulated. It's very, very shallow, and there has been a lot of algae, perhaps bacteria. We haven't had the water tested yet, but we're moving in that direction; and residents are not only concerned with how it looks but also that it may be unsafe.

So we're -- we now finally have spoken with the Town of Brookhaven. We met with Steve Brown, who is the Chairman of their Conservation Committee, and with -- I don't know his name -- the Parks Commissioner in Brookhaven. And they met with us right down there, and I told them a little bit about what Riverhead has already -- I think all of you were committed -- but what you told me about. After I met with you, Ken presented this beautiful picture with all these improvements that would be Riverhead's responsibility. He actually did a breakdown of costs.

I know that's not official, but I just wanted to sort of remind everybody that we're still really interested in this project. And at this point, Brookhaven Town is responsible for the actual removal of the silt and the water portion; whereas, Riverhead seems to be responsible for the bulk heading and the surrounding area.

And we really need to all get together. Steve Brown is the person that, supposedly, we should be dealing with. The Supervisor has passed it to him, and that's how they -- they're addressing it. So it would be great, if you guys could tell me now, who could follow up with this and give him a call. I could set something up. But, you know, they're not going to move until they really see that you guys are going to do your part too. You know? It's just going to keep going back and forth."

Supervisor Kozakiewicz: "Well, I think -- I think we demonstrated that by what we've done with the Duck Pond parking lot itself."

Nicole Fanelli-Burke: "That is true."

Supervisor Kozakiewicz: "Because the -- part of the problem was the parking lot and the fact that, I think, there was inadequate drainage before."

Nicole Fanelli-Burke: "Right."

Supervisor Kozakiewicz: "So I think, first and foremost, we've got to make that point clear, and with -- "

Nicole Fanelli-Burke: "Well, they -- they -- "

Supervisor Kozakiewicz: "With that -- "

Audience Member: "She already thought of that."

Supervisor Kozakiewicz: "No, I know, but I'm



saying that while I was -- "

Audience Member: "That's understood."

Supervisor Kozakiewicz: "I would just say that's something that's got to be made evident to the Town of Brookhaven."

Nicole Fanelli-Burke: "Well, and you should know, Supervisor, they were there, so they saw it. So they know that you've done that."

Supervisor Kozakiewicz: "Okay. Okay."

Nicole Fanelli-Burke: "But I guess what it is is we get a lot more cooperation from Riverhead. So I'm asking you guys to let's kind of play it their way. What he said to me was, well, I'm not -- we're not -- we can't go after them.

I want to hear from them.

So how much effort would it be really for somebody, if you could tell me, somebody, one of you could make the call, send an e-mail, anything, and then I will do -- I will set up the logistics. But it just seems like in order to go forward, we really all have to sit down together because it's really a joint project.

And we are still pursuing outside funding, and that brings me to my next point. I understand that -- attached to that project, we discussed a sidewalk going all the way

up. I see that you're going to be repaving the same space. I know the sidewalk is probably way down the line. I don't know if the Town of Riverhead is still thinking about it, but I have heard that you're going to reapply for the same grant that we tried to do last year.

I just wanted to ask a few questions about that. Whether that grant, when it was denied, if we got a specific reason. And I think we're entitled to that, that you have to give us an explanation of what things in the grant application didn't work out for them, didn't meet their criteria, so that when we reapply, that we don't just send the exact same piece of paper back. You know, if we're really going to take it seriously and we really want to get this funding, I think that that kind of a research should be done on it. And again, I, personally, and other people in Wading River have been willing to do whatever footwork is necessary on that. We would be happy to do that."

Supervisor Kozakiewicz: "I was looking to see if Andrea was here. She is the one who put in the grant application and she is familiar with it. So -- "

Barbara Grattan: "She left."

Supervisor Kozakiewicz: "She had left."

Nicole Fanelli-Burke: "Oh, she was here?"

Barbara Grattan: "Yeah."

Nicole Fanelli-Burke: "I have never met her. I have spoken with her over the phone, but ... okay.

But, again, it comes better if it comes from you. I mean, you guys are her boss, so you really have to encourage that this is the process that it has to go through, if -- if, you know, the Town is as committed to this as we would like you to be.

And, especially, if you're going to be paving now all the way up there -- which is great; it needs to be done -- I mean, I live right up there -- but it doesn't take into consideration that we still have a real bad safety issue there. The traffic is really flying. We have more traffic than ever. And now that it's summer, it's always people that come back out, people are out there, kids are walking, and it's -- I just can't believe that there hasn't been more -- more accidents and more, you know -- I hate to say fatalities, but...

And then the other issue attached to that is the intersection at Wading River Manor Road and North Country Road, which isn't even quite an intersection. We call it a merge. A lot of residents have expressed concern about that also being a safety issue, and that was supposed to be kind

of reevaluated as well. Whether we can just put -- I hate to say it -- put stop signs there. The yielding doesn't work; the left turn is very hazardous. It's a very dangerous intersection for both drivers and pedestrians. So that's my comment."

Supervisor Kozakiewicz: "Thank you."

Nicole Fanelli-Burke: "Is there anybody who I can follow up with on the Board regarding the Duck Ponds?"

Councilwoman Sanders: "I will work with you."

Nicole Fanelli-Burke: "Thank you."

Audience Member: "In addition to the suggestion to -- "

Supervisor Kozakiewicz: "Well, I need you to come up, because if we don't, we won't get you -- well, actually we have steno, so we don't -- so we're not putting it on the machine, right? So -- "

Barbara Grattan: "No, but she needs to be closer though."

Supervisor Kozakiewicz: "We probably could have got you, but we need your name and address though."

Laurie Ettlinger: "Laurie Ettlinger (phonetic), Wading River. In addendum to what Nicole had just said,

perhaps a simple solution for the time being, which wouldn't

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take too much, would be to close off the eastbound entrance to North Country and make it only a one-way heading down north into town; and this would require the driver to have to go around the bend. Therefore, they'll see the traffic -- the cars coming down Wading River Manor Road, heading down north, and then make the left turn there.

That's the problem. You're taking chances, if you decide you would like to make that left, which is a legal left, but it's safer to go past the first left and do the second left. So the triangle has to be reworked so you can easily perform the second left. So the legal left is dangerous, but the second left is more sensible. So that's a simple solution."

Supervisor Kozakiewicz: "Thank you. George Clarke."

George Clarke: "George Clarke, Wading River. Good evening. I had a talk with your new assistant yesterday and also with Dawn today, and we're a little bit -- I am a little bit in the dark. A month ago, Mr. Supervisor, you had said to me you were going to get Dawn involved in a -- some type of a legal document between -- you know, with Great Rock, with the situation we have going there. And talking with Dawn today, she seems to feel that there's really nothing

that can be done on her end. I'd just like to know, could

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you enlighten us, enlighten me, on what you had in mind at that time when we had that discussion."

Supervisor Kozakiewicz: "I shot from the hip without running it by the town attorney. So that's -- that's the fair statement. You had approached me and I didn't have the benefit of counsel with me, and I thought maybe there was something we could legally do."

George Clarke: "Well -- "

Supervisor Kozakiewicz: "So I hadn't had a chance to follow up.

And I know that one of the things we talked about is the reconfiguration of the AT&T, and I know this is a major issue and it's got to be addressed. We went through some changes of ownership with the Great Rock Golf Course. I believe that they had sent a series of letters to yourself, as well as to others, setting forth a plan for when they expect to have it done, and I know that you're concerned that they will not do it."

George Clarke: "Agreed."

Dawn Thomas: "And just to clarify, there are things that we can do. I didn't suggest I don't think that there was nothing that could be done. Rather, there are ways to

enforce the site plan approval that was granted, and in

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addition, any violations that may be occurring with respect to the use of the halfway house without a certificate of occupancy, and we are following up on those. And I think what we normally do is follow that through to its logical conclusion, and if we're not successful, then we have other options we can take that are more drastic."

Supervisor Kozakiewicz: "Which is Supreme Court."

Dawn Thomas: "Yes, that's correct."

Supervisor Kozakiewicz: "We generally don't go to that as a first resort -- "

George Clarke: "Okay."

Supervisor Kozakiewicz: " -- because that does -- that does involve expense and time. Sometimes we try to work through the Justice Court system and through Enforcement, at the local level first; and if that should fail, then we will, as a Town Board, make a determination that a Supreme Court action is justified."

George Clarke: "If -- if -- and I don't -- I tried to find out for two days, and I -- unfortunately, I couldn't get the answer. If they are using the halfway house without the CO and the public is using that facility, will they be ticketed?"

Supervisor Kozakiewicz: "If it does not have a CO



and they are using it, they would probably receive a Notice of Violation first, which is a notice to cure. We generally have not issued tickets on a first-time basis. That's usually the way the Enforcement Division has worked. Sometimes they do. So the answer is -- "

George Clarke: "Maybe."

Supervisor Kozakiewicz: " -- that they would probably want to issue a Notice of Violation first. That is our general approach and procedure."

George Clarke: "What I am trying to do is get a vision of how the plan works, of how the Town works."

Supervisor Kozakiewicz: "Usually, it's a Notice of Violation. If they fail to rectify it, then they are ticketed or summoned to court."

George Clarke: "Okay. If they -- "

Supervisor Kozakiewicz: "That is the typical way for us."

George Clarke: "How often would somebody check to see if they are violating this? What I'm saying is, is they could be doing this every day -- "

Supervisor Kozakiewicz: "As quickly as two Enforcement officers can go around the town and address it. I know that sounds like a cop-out, but I understand

that they -- these two Enforcement officers are the ones who are assigned to enforce the code, and they do react and they do also work proactively to address issues. And when they're in the area, I am sure that they always do their best to stop and try to enforce it.

I mean, you know, enforcement -- "

Councilman Densieski: "Would you recommend -- "

Supervisor Kozakiewicz: " -- enforcement is always kind of a difficult area to try and say, well, when is it exactly going to happen. It's something that we have to, obviously, catch them in the act, just like anything else. If somebody rides over your front lawn and knocks down your mailbox, you know, if somebody committed criminal mischief, or actually, better than that, went along and hit it with a baseball bat, the cop is not there, and the typical reaction is, well, we didn't see it, we can't enforce it. So I know that's not a great answer."

Councilman Densieski: "Mr. Supervisor, if it's something that he's witnessing, would you recommend that he call the Building Department to get Code Enforcement over there; or what's his mechanism, I think, is what you're trying to find out."

George Clarke: "The trouble is the halfway house is

inside their property."

Supervisor Kozakiewicz: "Right."

George Clarke: "Okay? I have talked to people that work on the course and they say, absolutely, they're open to the public. I can see from the road that there is no electric meter. That kind of leads me to believe that without an electric meter that there is something awry here somewhere, but yet they are using the facility. Things are going on. So for me to get access to the facility, I really can't -- okay? -- without paying 85 bucks to go play a round of golf and hit the golf balls at myself. So, you know, that's really not paramount productive here, you know.

So I am looking for some kind of help. If they're breaking the law, how can we get this that -- you know, since I don't have access, somebody else has to. And I am just trying to find out, if you do have access, how often can you, if they just let us this officer walk out the door and just keep right on doing what they're doing? We're kind of leading to no end to this situation."

Supervisor Kozakiewicz: "Your complaints, obviously, have been made. We understand them, I think I understand them, and they do get turned over to Code Enforcement. I understand that Code Enforcement and the Building Department

has been up there many times. We will certainly report your comments back again.

We want to help you and assist as we can. You know, obviously, we have to do a case that is solid. I don't think you or anybody else would like to see the case get thrown out. We want to make sure it's a solid case. And that's something that I know when I speak with the Town Attorney, Dawn Thomas, on it, she feels very strongly about that; if we're going to make a case, let's make it a solid one, so that we're not going to go through the motion and find out at the end of the day, it's dismissed."

George Clarke: "I can't agree with you more. It's just -- you know, we've gone on with this for quite a long time. With Mr. McGlellan (phonetic), it was a year that he guaranteed me that by 2003, we wouldn't have this problem. Here we are, pushing 2004, and we're still trying to find some kind of an avenue towards a solution."

Dawn Thomas: "Can I make just two comments?"

Supervisor Kozakiewicz: "Sure."

Dawn Thomas: "Number one, we did find a solution in getting them to agree to an amended site plan, which they agreed to, which was adopted. Unfortunately, they are not, you know, making their end of the bargain or they're not

meeting their end of the bargain by actually doing that work. So that's an enforcement job for us. So had they agreed or followed through with what they agreed to, yeah, we wouldn't have this problem now.

Number two, I've also suggested to you many times it's important for you to follow your personal rights against them in private nuisance or public nuisance, whatever -- whatever is your recourse there through your own attorney. There are certain things that we can do as a town and as a municipality, but there are certain rights that you have that we cannot enforce on your behalf, and you really need to pursue those rights, and I encourage you to do so."

George Clarke: "Well, if the site plan was enforced, okay, that would remedy the situation; correct?"

Dawn Thomas: "Well, it won't -- it won't -- it may take care of some of your problem, but it won't remedy all of your rights or causes of action that you may have against the golf course, no. So we may at some point succeed in getting them to do the improvements that they agreed to do originally, but I don't think it's going to be (A), on your timetable, because of the nature of the beast, basically, in us catching them and violating them and forcing them through a Supreme Court action, which is an actual court case that we

bring, and we go to the court, and we say, "Enforce them to do this," and they say, "No, we don't have to," and we go through that battle. And you know how long and most people know how long that takes.

So is it going to be next week if we have to file that process? Absolutely not. We will do everything we can to enforce the code to the fullest extent that we are able, but you cannot neglect your private rights as against them, and I think you would be foolish to do so."

George Clarke: "Well, all I'm asking is that we get the site plan -- is that we try and stick to getting the site plan enforced."

Dawn Thomas: "We're doing the best that we can."

George Clarke: "Okay. That would -- that would really help."

Supervisor Kozakiewicz: "Thank you."

George Clarke: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? William Kasperovich."

William Kasperovich: "Good evening."

Supervisor Kozakiewicz: "Good evening."

William Kasperovich: "I don't know how to say this because I would like to say something nice and not critical,

but I don't think I should walk away from it. I went to the Town Hall, all locked up. Nobody there. And the janitor tells me -- he saw me come -- drive up. He came out and he says it's in Wading River but he doesn't know where. So I said, "Well, I don't know how you saw me. I didn't press the button." Now, when we built the building, we did have a call button, so that when the building is locked, the janitor could be called or somebody in attendance. That button doesn't work. We tried it. Can't hear it. So that's one minor thing.

After much to-do, I was finally told there's a gang of people down at the Congregational Church, that's probably where it is, and so I came here. But before I run into this person who told me this, I called the police to get -- who would know but them? So I dialed 727-4500. They didn't know anything."

(Laughter)

William Kasperovich: "Now, it's not the 50 cents in the phone box that I'm griping about. It's the fact that these are the little things that tarnish our reputation when something happens. That if something happened and we call the police, and they didn't know where you were at, this would not polish our image. This would just show that we're

still a bunch of farmers, and we've come a long way from being a bunch of farmers.

So I will take this into account and notice that these things might be insignificant when nothing happens, but if something happens and it comes to light, it's not the kind of thing we want to be spoken of or noted. And so I thought I best come in and tell you about this. Thank you."

Supervisor Kozakiewicz: "Thank you, William. Anybody else that would like to address the Board? Rick Searles."

Rick Searles: "Good evening. Rick Searles. I'm a resident of Wading River. I'm also the Vice-Chairman of the Architectural Review Board since its inception. And I know the Board had a very difficult decision to make tonight, and the decision is made and it sits as it sits. However, as the Vice-Chairman of the Architectural Review Board, I am going to publicly ask the Supervisor and members of this Board to finally please take the amended sign ordinance into consideration, put somebody that can relate and come to the ARB, so that we can finally get this legislation approved, so that we can all be on the same track.

I respect the decisions that you made tonight; however, I think you opened up a floodgate for sign



overrides. Because every time the ARB is going to make a decision based on specifics that we have tried to put into place, the answer is going to be, "Fine, make your decision. We are going to take it to the Town Board."

So I think over the years, the Town Board recognized it didn't want to deal with signs on a regular basis, and I think you probably have brought that issue back tonight, but that's neither here or there. I would like the Town Board to try and make a solid effort to get together with the ARB to revise the sign code and put it into effect. That is all I have. Thank you. And, again, I appreciate your decision tonight. Have a good night."

Supervisor Kozakiewicz: "And I do want to again say, as far as the ARB, we do recognize the work you do; and the Code does allow for a legislative override by the Town Board -- "

Rick Searles: "Yes, it does."

Supervisor Kozakiewicz: " -- and we'll have to get rid of that in the new code."

Rick Searles: "And you need an appeal process. I understand that."

Supervisor Kozakiewicz: "Right. Right."

Rick Searles: "Everybody should have a right to

appeal.

I think -- I think the issue tonight on the Borders sign, just to clarify it, is that the ARB did give Borders an alternative -- "

Supervisor Kozakiewicz: "We understand that."

Rick Searles: " -- and they basically said no."

Supervisor Kozakiewicz: "Right."

Rick Searles: "And, you know, in other cases, where we have sat down and negotiated with corporate America, McDonald's wouldn't be what it is today if McDonald's wasn't willing to sit down and negotiate with the ARB and the Town Board."

Supervisor Kozakiewicz: "Right. I also -- I also wanted to add that while we did override on that one, at the previous meeting, we had a number of signs up, who were also overrides, that the applicants insisted we override; and we did, in fact, support the ARB on all of those."

Rick Searles: "No, I -- "

Supervisor Kozakiewicz: "So I mean -- "

Rick Searles: "And we appreciate that. I mean, I think we have worked well with the Town Board over the last couple of years. I think it's a bit frustrating for us because we did -- we have -- "

Supervisor Kozakiewicz: "Those things have kicking around for how many years now?"

Rick Searles: "I think we have been working through three administrations now trying to get this -- "

Supervisor Kozakiewicz: "About eight years."

Councilman Densieski: "Hey, Rick. It'd be okay if McDonald's went away, but we didn't want to lose Borders."

Rick Searles: "I personally -- I personally don't think you would have lost them, because I think every one of those huge corporations that are out in Riverhead Centre came with the same mind-set. You know, "We're here. You will step aside and we will get what we want." And we tried very, very diligently to -- you know, to push that issue."

Councilman Densieski: "Yeah, you guys do a great job."

Rick Searles: "And, you know, we had an issue with Waldbaum's at the last ARB meeting, looking for numerous amounts of additional signage. We told them no. They've, hopefully, accepted that. I don't know if tonight's decision is going to bring them back in with another application and ultimately to you.

And I can say that we also had -- we had applications for, I believe, 13 or 15 signs on the Krispy Kreme building."

Board Members: "Yeah. Yeah."

Rick Searles: "Now, when you look at -- when you look at a donut shop that's going to have 15 internally lit signs on it, we're going to have a difficult time telling them no now because -- based on what? They let it go.

So, I mean, I think it may have been a decision that is going to come back short-term and bite us where we don't want to be bit, but that's -- we will have to deal with it. But if we could make an effort to get that sign code approved, that would -- I would appreciate it."

Councilwoman Sanders: "I know -- I know there's been time for comment, and I just want to quick -- I just -- I happen to agree with you. I don't think Borders was going to pack up their suitcase and leave because we didn't approve something that they wanted."

Rick Searles: "There's a lot of books to be sold in Riverhead."

Councilwoman Sanders: "And I also agree that that's what happens, you let one through and you open the floodgates for everybody else. Well, if you don't give me what I want, then I will go elsewhere; and if I put a little pressure on or if I, you know, demand that it be done this way because of

corporate, because of whatever, people have to realize that

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when you come to a town, you have to abide by what the Town dictates or what the Town suggests and recommends or the way we want things to look and not because of what your corporate dictates to the Town."

Rick Searles: "Right. My argument to the corporate people is that in a nutshell: The fact that you come here doesn't mean that the aesthetics of Riverhead should change because corporate America has arrived."

Councilwoman Sanders: "Correct."

Rick Searles: "So we're -- we're doing it -- you know, we're trying, trying hard. We're trying to do a good job for the Town. And, again, I just think if we could all put our heads together and get that sign ordinance passed, it would do everybody a world of good."

Councilman Lull: "Rick, do I hear a volunteer?"

Rick Searles: "Excuse me?"

Councilman Lull: "Do I hear a volunteer from you?"

Rick Searles: "A volunteer from me? I've been trying for 12 years to get it done."

Councilman Lull: "So have I. I've been trying for 8 years, and it hasn't gone off. But one of the things that -- one of the difficulties we have is we have gotten this out several times to department heads and the police

department and so forth, and we have fought very difficult jobs because we don't get anything back. And what I would like to do is I would like to -- "

Rick Searles: "Well, I don't -- I don't know you got a lighting ordinance passed so quickly."

Councilman Lull: "I have no idea either."

(Laughter)

Councilman Lull: "But the thing is, what we need to do -- "

Councilwoman Sanders: "It probably didn't go through the right process."

Councilman Lull: "And we have already -- by the way, we have already gone to a public hearing on this."

Supervisor Kozakiewicz: "Yes, we did."

Councilwoman Sanders: "Yes, we did."

Councilwoman Lull: "And what I would like to do is I would like to get together with you and one of our department heads, and I would -- I would suggest it be Mr. Barnes."

Rick Searles: "That would be fine with me. I would be more than happy to get together at any time with the Town Board and the representatives of any departments within the Town to try to rectify this and get it codified. I think it's important."

Councilman Lull: "Give me a call. Give me a call later."

Rick Searles: "Okay."

Supervisor Kozakiewicz: "Thank you."

Rick Searles: "Thank you very much."

Supervisor Kozakiewicz: "Thank you. Anybody else?"

Brian. Brian? Brian Hayes (phonetic)?"

Brian Hayes: "I'm stepping up for one second, if you don't mind."

Supervisor Kozakiewicz: "I don't think you're allowed to. Isn't this -- "

Brian Hayes: "Yeah, yeah, I don't want to hear it."

(Laughter)

Supervisor Kozakiewicz: "Isn't this a conflict?"

Audience Member: "No, it's not a conflict."

Audience Member: "He's a Wading River resident."

Brian Hayes: "I am a Wading River resident and I have a question for the Board."

Supervisor Kozakiewicz: "Well, this is public comment, not a question period."

Brian Hayes: "Well, I am going to ask it anyway. I am curious to know if, at any point in time, do you have plans on paving the roads over in the Wildwood Acres section

of Wading River? It's the numbered streets across from the park."

Councilman Lull: "Across from the park?"

Brian Hayes: "Across from the park, yes."

Councilman Densieski: "We didn't take those roads into effect, did we?"

Supervisor Kozakiewicz: "No."

Councilman Densieski: "Those are private roads."

Brian Hayes: "But they're maintained by the Town."

Supervisor Kozakiewicz: "This is the whole debate we've had going on for seven or eight years or something."

Councilman Densieski: "I think the Highway Department -- "

Brian Hayes: "I'm just taking up where Mr. Kasperovich seems to have left off."

Supervisor Kozakiewicz: "Yeah."

Councilman Densieski: "I think Mark Wassler (phonetic) is addressing this issue right now, but I don't know what the answer to your question is. I think Mark is actively working on something with the numbered streets."

Supervisor Kozakiewicz: "What I know is that the Highway Superintendent has a willingness, because there is a question of, of course, acceptance and when does a roadway



become a Town highway. One way is by dedication. It's clear and simple. The other is by a period of maintenance over the years.

The unique thing here, because I remember from my days as a town attorney, you read cases from upstate where people did not want their roads to become Town highways and they fought to not allow that to take place. Here, we have the other situation where we have residents who want, what was set out as private roads, private communities, they now want their roads to become Town roads, and I think we know why.

But, you know, I think, from what I have heard, Mark Wassler is willing to accept the roads. There is a process that he has been working on with Sean Walter, the deputy town attorney, to make sure that there's some kind of a resolution or a legal document or something that's recordable, so that for posterity, if there is ever an issue, which are Town highways, which are not, that is something that he has been working on. I think if that happens, then my guess is that Mark would try to come in and start improving the roads. Probably not all of them at once, but in a fashion that he can afford under a bonding mechanism or whatever we allow him under the annual budget."

Brian Hayes: "Thank you."

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Supervisor Kozakiewicz: "You're welcome. Anybody else?"

(There was no response.)

Councilman Lull: "Motion to adjourn."

Supervisor Kozakiewicz: "Thank you. Thank you all.  
Have a good evening. Have a good weekend."

(This proceeding was concluded at 9:59 p.m.)

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C E R T I F I C A T I O N

I, SHERYL L. SCHULTZ, a Notary Public for  
and within the State of New York, do hereby certify:

THAT the foregoing is a true and correct  
transcript of the proceedings held July 15, 2003, at Wading  
River, New York, in this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 7th day of August, 2003.

SHERYL L. SCHULTZ

